

Message

---

**From:** Gee.Randy@epa.gov [Gee.Randy@epa.gov]  
**Sent:** 8/17/2020 9:50:29 PM  
**To:** melissarobinson@choctawnation.com  
**CC:** Alvarado, Tina [Alvarado.Tina@epa.gov]; tbaker@choctawnation.com  
**Subject:** Re: Conference Call

We can use this line and code

Ex. 6 Personal Privacy (PP)

I can send a calendar invite.

Sent from my iPhone

On Aug 17, 2020, at 4:42 PM, Melissa Robinson <melissarobinson@choctawnation.com> wrote:

Thank you both! Let's try for 2:30p? Do we need to setup a conference line?

Yakoke,

Melissa Robinson  
Director, Environmental Assessment  
Environmental Protection Services  
Department of Risk Management  
Division of Legal and Compliance  
P.O. Box 909  
104 Ed Perry Road  
Hugo, OK 74743  
Office: 580.326.7501 Ext. 6509

Ex. 6 Personal Privacy (PP)

<image001.png>

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**From:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Sent:** Monday, August 17, 2020 4:40 PM  
**To:** Gee, Randy <Gee.Randy@epa.gov>; Melissa Robinson <melissarobinson@choctawnation.com>  
**Cc:** Tye Baker <tbaker@choctawnation.com>  
**Subject:** RE: Conference Call

Halito: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

That works. I'm available tomorrow after 2:00 or Wednesday morning.

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**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Monday, August 17, 2020 4:39 PM  
**To:** melissarobinson@choctawnation.com; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Cc:** tbaker@choctawnation.com  
**Subject:** RE: Conference Call

Hello Melissa- tomorrow afternoon is best for me. I am available except from 330-4pm.

---

**From:** Melissa Robinson <melissarobinson@choctawnation.com>  
**Sent:** Monday, August 17, 2020 4:35 PM  
**To:** Gee, Randy <Gee.Randy@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Cc:** tbaker@choctawnation.com  
**Subject:** Conference Call

Randy/Tina,

If you are available, we would like to have an informal conference call to discuss program delegation post-McGirt even in a limited capacity. Are you available tomorrow afternoon or Wednesday morning?

Yakoke,

Melissa Robinson  
Director, Environmental Assessment  
Environmental Protection Services  
Department of Risk Management  
Division of Legal and Compliance  
P.O. Box 909  
104 Ed Perry Road  
Hugo, OK 74743  
Office: 580.326.7501 Ext. 6509

Ex. 6 Personal Privacy (PP)

<image001.png>

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure. If you have received this message in error, you are hereby notified that we do not consent to any reading, dissemination, distribution or copying of this message. If you have received this communication in error, please notify the sender immediately and destroy the transmitted information. Please note that any view or opinions presented in this email are solely those of the author and do not necessarily represent those of the Choctaw Nation.

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## Appointment

---

**From:** Gee, Randy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=186e0aabc3e04d258db13b8bfa93cdc4-Gee, Randy]  
**Sent:** 8/12/2020 3:08:37 PM  
**To:** Blanco, Arturo [Blanco.Arturo@epa.gov]; Acosta, Gerardo [acosta.gerardo@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]; Curtis Hicks [Hicks.Curtis@epa.gov]; Salina Gomez [Gomez.Salina@epa.gov]  
**CC:** Smith, Suzanne [Smith.Suzanne@epa.gov]  
**Subject:** Muscogee (Creek) Nation SAFETEA Tribal Consultation  
**Attachments:** ConsultationRequest.pdf; SAFETEA.OklahomaRequest.2020.7.22.pdf; Tribal Treaty Rights Guidance.pdf; Tribal Treaty Rights Quick Reference for EPA Staff\_fnl.pdf; McGirt \_ SAFETA questions.docx  
**Location:** Microsoft Teams Meeting  
**Start:** 8/12/2020 7:30:00 PM  
**End:** 8/12/2020 8:30:00 PM  
**Show Time As:** Tentative

**\*\*added questions\*\***

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### Join Microsoft Teams Meeting

## **Ex. 6 Personal Privacy (PP)**

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

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## Appointment

---

**From:** Gee, Randy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=186e0aabc3e04d258db13b8bfa93cdc4-Gee, Randy]  
**Sent:** 8/10/2020 9:44:42 PM  
**To:** Blanco, Arturo [Blanco.Arturo@epa.gov]; Acosta, Gerardo [acosta.gerardo@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]; Curtis Hicks [Hicks.Curtis@epa.gov]; Salina Gomez [Gomez.Salina@epa.gov]  
**CC:** Smith, Suzanne [Smith.Suzanne@epa.gov]  
**Subject:** Muscogee (Creek) Nation SAFETEA Tribal Consultation  
**Attachments:** ConsultationRequest.pdf; SAFETEA.OklahomaRequest.2020.7.22.pdf; Tribal Treaty Rights Guidance.pdf; Tribal Treaty Rights Quick Reference for EPA Staff\_fnl.pdf  
**Location:** Microsoft Teams Meeting  
**Start:** 8/12/2020 7:30:00 PM  
**End:** 8/12/2020 8:30:00 PM  
**Show Time As:** Tentative

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[Join Microsoft Teams Meeting](#)

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## Appointment

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**From:** Gee, Randy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=186e0aabc3e04d258db13b8bfa93cdc4-Gee, Randy]  
**Sent:** 7/23/2020 2:27:51 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]; Salina Gomez [Gomez.Salina@epa.gov]; Curtis Hicks [Hicks.Curtis@epa.gov]; Ira Hight [Hight.Ira@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]  
**CC:** Fincher Harris [Harris.Fincher@epa.gov]; Allen, Mark [Allen.Mark@epa.gov]; Olson, Alexandra [olson.alexandra@epa.gov]; Acosta, Gerardo [acosta.gerardo@epa.gov]; lallen@tonkawatribe.com  
**Subject:** Outreach to Oklahoma Tribal Partners on SAFETEA Activation  
**Attachments:** SAFETEA\_request\_to\_Administer\_final.01.pdf  
**Location:** Microsoft Teams Meeting  
  
**Start:** 7/23/2020 6:00:00 PM  
**End:** 7/23/2020 6:45:00 PM  
**Show Time As:** Busy

### Ex. 5 Deliberative Process (DP)

Randy

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### Join Microsoft Teams Meeting

#### Ex. 6 Personal Privacy (PP)

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---

## Appointment

---

**From:** Gee, Randy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=186E0AABC3E04D258DB13B8BFA93CDC4-GEE, RANDY]  
**Sent:** 8/19/2020 7:42:53 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]; McQueen, Ken [McQueen.Ken@epa.gov]; Gray, David [gray.david@epa.gov]; Tatum, Stephen [Tatum.Stephen@epa.gov]; Tanimura, Erin [Tanimura.Erin@epa.gov]; Davis, Suea [davis.suea@epa.gov]; Turk, James [turk.james@epa.gov]; David Hill [dhill@mcn-nsn.gov]; Del Beaver [dbeaver@mcn-nsn.gov]; jwilliams@mcn-nsn.gov; Anita Daney [ADaney@mcn-nsn.gov]; Blanco, Arturo [Blanco.Arturo@epa.gov]; Acosta, Gerardo [acosta.gerardo@epa.gov]; Curtis Hicks [Hicks.Curtis@epa.gov]; McGuire, James [McGuire.James@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]; Felicia Wright [Wright.Felicia@epa.gov]; Andrew Byrne [Byrne.Andrew@epa.gov]; Salina Gomez [Gomez.Salina@epa.gov]  
**CC:** Mason, Scott [Mason.Scott@epa.gov]; Vaught, Daniel [vaught.daniel@epa.gov]; McIntosh, Chad [mcintosh.chad@epa.gov]; Zimmer, Nathaniel [zimmer.nathaniel@epa.gov]; Dieu, Martin [Dieu.Martin@epa.gov]; Roger Wiley [rwiley@mcnag.com]; Wang, Jonathan [Wang.Jonathan@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]; Gustafson, Adam [Gustafson.Adam@epa.gov]; Jefferson, Tricia [Jefferson.Tricia@epa.gov]; Hight, Ira [Hight.Ira@epa.gov]  
**Subject:** EPA Region 6 Tribal Consultation with Muscogee (Creek) Nation on SAFETEA  
**Attachments:** 2005 SAFETEA Section 10211.pdf; SAFETEA.OklahomaRequest.2020.7.22.pdf; 8-25-2020 MCN SAFETEA Consultation Agenda.pdf; Tribal Consultation Questions.pdf; Tribal Treaty Rights Guidance.pdf; Overview - EPAs Guidance for Discussing Tribal Treaty Rights.pdf  
**Location:** Microsoft Teams Meeting  
**Start:** 8/25/2020 6:30:00 PM  
**End:** 8/25/2020 7:30:00 PM  
**Show Time As:** Busy

**\*\*Agenda and other documents added\*\***

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### Join Microsoft Teams Meeting

## Ex. 6 Personal Privacy (PP)

Local numbers | Reset PIN | Learn more about Teams | Meeting options

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

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## Appointment

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**From:** Davis, Suea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=48D3B8D643784F5C8A5A581E081D2EAB-DAVIS, SUEA]  
**Sent:** 8/13/2020 8:01:03 PM  
**To:** McQueen, Ken [McQueen.Ken@epa.gov]; Gray, David [gray.david@epa.gov]; Tatum, Stephen [Tatum.Stephen@epa.gov]; Tanimura, Erin [Tanimura.Erin@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Acosta, Gerardo [Acosta.Gerardo@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]; McGuire, James [McGuire.James@epa.gov]; Smith, Suzanne [Smith.Suzanne@epa.gov]; Blanco, Arturo [Blanco.Arturo@epa.gov]  
**CC:** Turk, James [turk.james@epa.gov]; Davis, Suea [Davis.Suea@epa.gov]; Hicks, Curtis [Hicks.Curtis@epa.gov]  
**Subject:** SAFETEA Update  
**Attachments:** ConsultationRequest.pdf; SAFETEA.OklahomaRequest.2020.7.22.pdf; Tribal Treaty Rights Guidance.pdf; Tribal Treaty Rights Quick Reference for EPA Staff\_fnl.pdf; McGirt \_ SAFETA questions.docx; we\_care\_briefing\_MCN\_SAFETEA.docx  
**Location:** Microsoft Teams Meeting  
**Start:** 8/14/2020 3:00:00 PM  
**End:** 8/14/2020 3:30:00 PM  
**Show Time As:** Busy

We Care briefing sheet added.

Please send your fact sheet and power point presentation to Sue Davis, James Turk, and Erin Tanimura.

We request you call in at least 5 min. before the meeting.

You may invite additional staff that need to participate in this meeting.

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### Join Microsoft Teams Meeting

#### **Ex. 6 Personal Privacy (PP)**

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

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---

## Appointment

---

**From:** Gee, Randy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=186E0AABC3E04D258DB13B8BFA93CDC4-GEE, RANDY]  
**Sent:** 8/10/2020 6:44:02 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]; Blanco, Arturo [Blanco.Arturo@epa.gov]; Acosta, Gerardo [acosta.gerardo@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]; Curtis Hicks [Hicks.Curtis@epa.gov]; Salina Gomez [Gomez.Salina@epa.gov]  
**CC:** Smith, Suzanne [Smith.Suzanne@epa.gov]  
**Subject:** Muscogee (Creek) Nation SAFETEA Tribal Consultation  
**Attachments:** ConsultationRequest.pdf; SAFETEA.OklahomaRequest.2020.7.22.pdf; Tribal Treaty Rights Guidance.pdf; Tribal Treaty Rights Quick Reference for EPA Staff\_fnl.pdf; McGirt \_ SAFETA questions.docx  
**Location:** Microsoft Teams Meeting  
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**End:** 8/12/2020 8:30:00 PM  
**Show Time As:** Busy

**\*\*added questions\*\***

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### Join Microsoft Teams Meeting

## **Ex. 6 Personal Privacy (PP)**

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

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## Appointment

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**From:** Jones, Curry [jones.curry@epa.gov]  
**Sent:** 7/16/2020 7:41:31 PM  
**To:** Jones, Curry [jones.curry@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]; Biggs, Tonia [Biggs.Tonia@epa.gov]; Sherwood, Chelsey [Sherwood.Chelsey@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Hamilton, Denise [Hamilton.Denise@epa.gov]; Ngo, Kim [Ngo.Kim@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]  
**CC:** Rudolph, Matthew [rudolph.matthew@epa.gov]; Aguinaga, David [Aguinaga.David@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]  
**Subject:** Tulsa Supreme Court Discussion (McGirt v. Oklahoma)  
**Location:** Microsoft Teams Meeting  
**Start:** 7/29/2020 4:00:00 PM  
**End:** 7/29/2020 5:00:00 PM  
**Show Time As:** Busy

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[Join Microsoft Teams Meeting](#)

### Ex. 6 Personal Privacy (PP)

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

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## Appointment

---

**From:** Gee, Randy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=186e0aabc3e04d258db13b8bfa93cdc4-Gee, Randy]  
**Sent:** 7/23/2020 2:27:51 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]; Salina Gomez [Gomez.Salina@epa.gov]; Curtis Hicks [Hicks.Curtis@epa.gov]; Ira Hight [Hight.Ira@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]  
**CC:** Fincher Harris [Harris.Fincher@epa.gov]; Allen, Mark [Allen.Mark@epa.gov]; Olson, Alexandra [olson.alexandra@epa.gov]; Acosta, Gerardo [acosta.gerardo@epa.gov]; lallen@tonkawatribe.com; Thurman, Joyce [Thurman.Joyce@epa.gov]  
**Subject:** Outreach to Oklahoma Tribal Partners on SAFETEA Activation  
**Attachments:** SAFETEA\_request\_to\_Administer\_final.01.pdf  
**Location:** Microsoft Teams Meeting  
**Start:** 7/23/2020 6:00:00 PM  
**End:** 7/23/2020 6:45:00 PM  
**Show Time As:** Busy

### Ex. 5 Deliberative Process (DP)

Randy

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#### Join Microsoft Teams Meeting

### Ex. 6 Personal Privacy (PP)

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

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## Appointment

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**From:** Wilson, Erika [Wilson.Erika@epa.gov]  
**Sent:** 7/16/2020 4:04:01 PM  
**To:** Wilson, Erika [Wilson.Erika@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Byrne, Andrew [Byrne.Andrew@epa.gov]; Binder, Jonathan [Binder.Jonathan@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]  
**Subject:** McGirt talking points  
**Location:** Microsoft Teams Meeting  
**Start:** 7/17/2020 6:00:00 PM  
**End:** 7/17/2020 7:00:00 PM  
**Show Time As:** Busy

# Ex. 5 Deliberative Process (DP)

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[Join Microsoft Teams Meeting](#)

## Ex. 6 Personal Privacy (PP)

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---

## Appointment

**From:** Andy Bessler [Andy.Bessler@nau.edu]  
**Sent:** 7/10/2020 2:12:50 PM  
**To:** Andy Bessler [Andy.Bessler@nau.edu]; NTAA [NTAA@LISTS.NAU.EDU]; The Institute for Tribal Environmental Professionals team [ITEP-T@LISTS.NAU.EDU]; Angela Benedict (angela.benedict@srmt-nsn.gov) [angela.benedict@srmt-nsn.gov]; annwyatt@klawocktribe.org; Bill.Thompson@Penobscotnation.org; billietoledo@pbbnation.org; CKreman@quapawtribe.com; JParada@augustinetribe.com; joywiecks@fdlrez.com; Lozada, Tiffany [tlozada@pci-nsn.gov]; lweeks@nemont.net; marvin@wabanaki.com; randall.ashley@cskt.org; scott.hansen@catawbaindian.net; Steven Smith [SteveSmith@shinnecock.org]; wilfred.nabahe@crit-nsn.gov; lucas.bair@spokanetribe.com; ckriebs@kootenai.org; Allison Gienapp [agienapp@poncatribene.org]; Brandy Toft [brandy.toft@llojibwe.net]; Maranda Hamme [Ex. 6 Personal Privacy (PP)]; Childers, Pat [Childers.Pat@epa.gov]; Colon, Toni [Colon.Toni@epa.gov]; Terry, Sara [Terry.Sara@epa.gov]; Dara Renee Marks-Marino [dara.marks-marino@nau.edu]; Mariah Tanay Ashley [Mariah.Ashley@nau.edu]; pilar.thomas\_esq@yahoo.com  
**CC:** Shannon Michelle Boesch [Shannon.Boesch@nau.edu]; Maggie Sanders [sanders.maggie@nisqually-nsn.gov]; Kurt Lyons [kurt.lyons@winnebagotribe.com]; Brett Weber [BWeber@nihb.org]; selizondo.tmr.org [selizondo@tmr.org]; gkriebs@poncatribene.org; carolan.sonderegger@gtbindians.com; ckreman [ckreman@quapawnation.com]; camilleq@swo-nsn.gov; Valiere, Lucita [Valiere.Lucita@epa.gov]; Tara Weston [tara.weston@santaana-nsn.gov]; Curtis Martin [curtism@choctawnation.com]; Carma Huseby [carma.huseby@llojibwe.net]; Allen, Tia [Tia.Allen@quinault.org]; jmcinnis@moheganmail.com; christopher.horan@srpmic-nsn.gov; Mroz, Jessica [mroz.jessica@epa.gov]; cnahe@kewa-nsn.us; Snyder, Jessica [Snyder.Jessica@epa.gov]; Kara Berst [Kara.Berst@chickasaw.net]; lpfleeger@shoalwaterbay-nsn.gov; Mckelvey, Laura [Mckelvey.Laura@epa.gov]; Pilar Thomas [Ex. 6 Personal Privacy (PP)]; maxine.paul@santaana-nsn.gov; Thomas, Pilar M. [Pilar.Thomas@quarles.com]; Dilley, Shannon@ARB [Shannon.Dilley@arb.ca.gov]; Celeste Davis [cdavis@npaih.org]; Josh Worcester [josh.worcester@fortsillapachensn.gov]; Jim Reynolds [jim.r@ADOMANIELECTRIC.COM]; Shane Jemison [Shane.Jemison@chickasaw.net]; Guerrero, Bertha [Bertha.Guerrero@mail.house.gov]; john@ucut-nsn.org; environmental@issingnak.org; ssmith@tejonindiantribe-nsn.gov; ernie.grooms@redcliff-nsn.gov; Heather Bartlett [heather.bartlett@cowcreek.com]; epatech@klawocktribe.org; Farrell, Brittany [BFarrell@chw.org]; Michael Z King [Michael.King@nau.edu]; Estelle Farley [Estelle.Farley@santeeoep.com]; Cruz, Maurice P. [maurice.p.cruz@ou.edu]; chelsea@ccrkalaska.org; Shundene Key [Shundene.Key@itcaonline.com]; mopheim@svt.org; Young, India J. [young.india@epa.gov]; Christal Marie Black [Christal.black@nau.edu]; Jeremy.Fincher@sacandfoxnation-nsn.gov; ccollier@svt.org; Martynowicz, Trina [Martynowicz.Trina@epa.gov]; Darold Wallick [dwallick@palatribe.com]; Montanez, Jessica [Montanez.Jessica@epa.gov]; Tanda Roberts [TRoberts@plpt.nsn.us]; melinda.ronca-battista@nau.edu; Hamilton, Brian [Hamilton.Brian@epa.gov]; John Burnett [John.Burnett@midwestind.com]; tgallegos@kictribe.org; ann-marie.chischilly@nau.edu; misaacs@astribe.com; Amy.Miguel@SRPMIC-nsn.gov; tammy.belone@jemezpuablo.org; Keith Moore [kmoore@sbtribes.com]; [Ex. 6 Personal Privacy (PP)]; Andrea Candelaria [acandelaria@cahuilla.net]; Alan Post [alan.post@winnebagotribe.com]; kbrosemer@saulttribe.net; atwobears@standingrock.org; judith.puente@ktttribe.org; Kaufman, Amanda [Kaufman.Amanda@epa.gov]; Farsi, Farshid [Farsi.Farshid@epa.gov]; McTigue, Erin [McTigue.Erin@epa.gov]; jarchuleta@utemountain.org; Moura, Rafaela [Moura.Rafaela@epa.gov]; Chief, Karletta - (kchief) [kchief@arizona.edu]; Mercedes Kaiser [Mercedes.Kaiser@crit-nsn.gov]; Julie Jurkowski [Julie.Jurkowski@nau.edu]; mwright@plpt.nsn.us; Toni Tourtillott [toni.tourtillott@mohican-nsn.gov]; [Ex. 6 Personal Privacy (PP)]; Shumake, Nicklaus [Nicklaus.Shumake@choctaw.org]; Nancy Kruger [nkruger@4cleanair.org]; mangel nelson [mangel.nelson@nau.edu]; Pamela Eaton [pam\_eaton@outlook.com]; Bolden, Janice [Bolden.Janice@epa.gov]; Mark Lambert Daniels [Mark.Daniels@nau.edu]; tammy.parker@ashiwi.org; Nicolette Elvira Cooley [Nikki.Cooley@nau.edu]; Marlene Nebitsi [Marlene.Nebitsi@nau.edu]; Bret Sumner [bsumner@bwenerylaw.com]; Lewis, Jessica [jessica.lewis@choctaw.org]; jennifer.heminokeky@fortsillapachensn.gov; emma.ruppell@bishoppaiute.org; Jeremy Freise [jeremy-freise@cherokee.org]  
**Subject:** Agenda Added: NTAA/EPA Air Policy Update Call  
**Location:** Call into [Ex. 6 Personal Privacy (PP)]  
**Start:** 7/30/2020 6:00:00 PM  
**End:** 7/30/2020 8:00:00 PM  
**Show Time As:** Tentative

Recurrence: (none)

## NTAA- EPA Air Policy Update Call

Thursday July 30, 2020

10 am AK

11 am PT

12 pm MT

1 pm CT

2 pm ET

### Ex. 6 Personal Privacy (PP)

To view documents discussed on the call, please log on here:

<https://attendee.gotowebinar.com/register/2835414396802864656>

*When you register on the Gotowebinar screen, please type in your Tribe/Office and Region after your last name so everyone can see who is on the call and we can avoid a lengthy roll call.*

### Call Agenda

#### Office of Air and Radiation (OAR) Updates

**Proposed Rule: National Emission Standards for Hazardous Air Pollutants (NESHAP) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters; Proposed Amendments** — Presenter: Jim Eddinger, Office of Air Quality Planning and Standards (OAQPS) (5 to 10 mins.)

*On July 8, 2020, EPA proposed to amend the 2013 NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, commonly known as the “Boiler MACT.” These amendments would further reduce toxic emissions from certain types of units. For more information, refer to*

*<https://www.epa.gov/stationary-sources-air-pollution/national-emission-standards-hazardous-air-pollutants-major-sources>.*

**Final Notice: Granting Petitions to List 1-bromopropane (1-BP) to the List of Air Toxics** — Presenter: John Schaefer, Office of Air Quality Planning and Standards (OAQPS) (5 to 10 mins.)

*On June 18, 2020, EPA finalized its decision to grant petitions to add 1-BP to the list of Clean Air Act (CAA) air toxics (also known as hazardous air pollutants) — this is the first time since 1990 that EPA has granted a petition to add a hazardous air pollutant to the CAA. In a subsequent action, EPA will add 1-BP to the CAA list of air*

*toxics—after it is added, EPA may revise or create new emissions standards for source categories that emit 1-BP. For more information refer to <https://www.epa.gov/haps/petitions-add-1-bp-npb-clean-air-act-list-hazardous-air-pollutants>.*

**Proposed Action: Review of the Ozone National Ambient Air Quality Standards (NAAQS)** — Presenter: Deirdre Murphy, Office of Air Quality Planning and Standards (OAQPS) (5 to 10 mins)

*On July 13, 2020, EPA proposed to retain, without revision the primary and secondary ozone National Ambient Air Quality Standards (NAAQS). For more information, refer to <https://www.epa.gov/ground-level-ozone-pollution/proposal-retain-ozone-national-ambient-air-quality-standards>.*

**Notice of Proposed Rulemaking: Control of Air Pollution from Airplanes and Airplane Engines: Greenhouse Gas (GHG) Emission Standards and Test Procedures** —Presenter: Jessie Mroz, Office of Transportation and Air Quality (OTAQ) (5 mins.)

*On 7/22/2020, EPA proposed GHG emission standards that would apply to certain new commercial airplanes, including all large passenger jets. These proposed standards would match the international airplane carbon dioxide (CO<sub>2</sub>) standards adopted by the International Civil Aviation Organization (ICAO) in 2017. This proposed action would implement EPA's authority under the Clean Air Act and would assure the worldwide acceptance of U.S. manufactured airplanes and airplane engines. For more information, refer to <https://www.epa.gov/regulations-emissions-vehicles-and-engines/notice-proposed-rulemaking-control-air-pollution> and [www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-aircraft](https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-aircraft).*

**Office of Enforcement and Compliance Assurance (OECA)**

**Recommended Processes for Adjusting Inspection Commitments due to the COVID-19 Public Health Emergency** — Presenter: Robert Lischinsky, Office of Compliance (OC) ( 5 to 10 mins)

*EPA will work with (states, tribes, territories, and local agencies) to adjust inspection commitments due to the COVID-19 public health emergency. For more information refer to [Inspection Expectations for EPA Partner Agencies During COVID-19 Public Health Emergency Letter \(PDF\)](#)(4pp,257K, July 22, 2020); [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program: Addendum on Termination \(PDF\)](#) (2pp, June 29,2020) and [Enforcement Policy, Guidance & Publications](#).*

**Other EPA Updates from OAR, ORIA, OAP, OTAQ**

**NTAA Special Presentation: A Summary of the McGirt Decision from the U.S. Supreme Court** – Presenter: Pilar Thomas, Esq., NTAA's Policy Advisory Committee (5 to 10 mins)

*Ms. Thomas will provide a summary of this important case and the possible implications for Tribal air and water quality management from this recent U.S. Supreme Court Decision impacting Indian Country in Oklahoma. You can view the decision here: [https://www.supremecourt.gov/opinions/19pdf/18-9526\\_9okb.pdf](https://www.supremecourt.gov/opinions/19pdf/18-9526_9okb.pdf).*

Other Updates (if needed)

National Tribal Caucus Updates

Tribal Air Monitoring Support (TAMS) Center Updates

Institute for Tribal Environmental Professionals (ITEP) Updates

Clean Air Act Advisory Committee (CAAAC) Updates

National Tribal Air Association (NTAA) Updates

Hope you can make it!

Andy Bessler  
Project Director  
National Tribal Air Association  
Institute for Tribal Environmental Professionals  
Northern Arizona University  
P.O. Box 15004  
Flagstaff, AZ 86011  
Office 928-523-0526

Ex. 6 Personal Privacy (PP)

Fax 928-523-1266  
[www.ntaatribalair.org](http://www.ntaatribalair.org)

Message

---

**From:** Byrne, Andrew [Byrne.Andrew@epa.gov]  
**Sent:** 7/28/2020 9:52:20 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]  
**CC:** Blanco, Arturo [Blanco.Arturo@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]; Post, William [post.william@epa.gov]; Wright, Felicia [Wright.Felicia@epa.gov]; Gude, Karen [Gude.Karen@epa.gov]  
**Subject:** RE: SAFETEA

Hi Randy – the OGC Front Office confirmed that it has been officially received by the Administrator.

**Andy Byrne**

American Indian Environmental Office  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
(202) 564-3836 (desk)  
(202) 322-8607 (mobile)

Creating Tangible Environmental Results with Tribes  
Find out more at [www.epa.gov/tribal](http://www.epa.gov/tribal)

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Tuesday, July 28, 2020 4:24 PM  
**To:** Byrne, Andrew <Byrne.Andrew@epa.gov>  
**Cc:** Blanco, Arturo <Blanco.Arturo@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>; Post, William <post.william@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>  
**Subject:** RE: SAFETEA

Thank you Andy.

A request- could AIEO confirm the Administrator's office received the SAFETEA activation request letter from the State of Oklahoma? Once we receive the confirmation, we will work with AIEO to enter in TCOTS.

Thank you,

Randy

---

**From:** Byrne, Andrew <Byrne.Andrew@epa.gov>  
**Sent:** Tuesday, July 28, 2020 10:24 AM  
**To:** Gee, Randy <Gee.Randy@epa.gov>  
**Cc:** Blanco, Arturo <Blanco.Arturo@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>; Post, William <post.william@epa.gov>; Wright, Felicia <Wright.Felicia@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>  
**Subject:** RE: SAFETEA

Randy –

# Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) I CC'd Karen as she is joining AIEO on a detail next week and will be working on consultation issues.

Thanks for highlighting this issue and reaching out, we look forward to working with you on this.

### Andy Byrne

American Indian Environmental Office  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
(202) 564-3836 (desk)  
(202) 322-8607 (mobile)

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---

**From:** Wright, Felicia <[Wright.Felicia@epa.gov](mailto:Wright.Felicia@epa.gov)>  
**Sent:** Thursday, July 23, 2020 11:42 AM  
**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>; Byrne, Andrew <[Byrne.Andrew@epa.gov](mailto:Byrne.Andrew@epa.gov)>; Post, William <[post.william@epa.gov](mailto:post.william@epa.gov)>  
**Subject:** RE: SAFETEA

Thanks Randy—we will work on this important issue within OITA and correspond soon.

Best,  
Felicia

---

**From:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Sent:** Thursday, July 23, 2020 11:05 AM  
**To:** Wright, Felicia <[Wright.Felicia@epa.gov](mailto:Wright.Felicia@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>; Byrne, Andrew <[Byrne.Andrew@epa.gov](mailto:Byrne.Andrew@epa.gov)>; Post, William <[post.william@epa.gov](mailto:post.william@epa.gov)>  
**Subject:** SAFETEA

Good morning Felicia,

I wanted to thank AIEO and in particular Will for working to have Chad and Scott join our RTOC meeting yesterday. They provided good information yesterday. One item I wanted to follow up on is the State's activation of SAFETEA (see news story and attached letter) and to start thinking about tribal consultation.

Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Thanks Randy.

# Oklahoma seeks continued authority to oversee environmental programs in state's Indian territories

Oklahoma is asking the EPA to grant it the authority to continue regulating environmental issues across areas of the state designated as Indian Territory before statehood.

The state seeks the authority under a provision that is part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA) of 2005.

Its request comes as Oklahoma and the Five Tribes continue to discuss ramifications from the U.S. Supreme Court's 5-to-4 decision that Congress failed to dissolve the Creek Nation's reservation in 1907.

While the case dealt specifically with a criminal matter that happened within the Creek Nation's pre-state territory, tribal and state officials interpreted its outcome as more broadly applicable to areas of eastern and southern Oklahoma held by the Five Tribes before Oklahoma joined the union in 1907.

"What this does is maintain the status quo for programs Oklahoma administers for the EPA," said Kenneth Wagner, Oklahoma's secretary of energy and environment. "We have worked with the tribes for years and years and years on these cooperative programs with the federal government. This isn't a surprise to the tribes — they are aware of it."

Under SAFETEA, Environmental Protection Agency Administrator Andrew Wheeler is authorized to grant Oklahoma the continued authority to administer environmental programs his agency previously allowed the state to oversee.

If granted, Oklahoma would continue to have authority to administer environmental programs on lands within the Five Tribes historical territories that aren't Indian allotments, held in trust by the U.S. on behalf of an individual Indian or tribe or owned by a tribe.

Involved programs include:

- Resource Conservation and Recovery Act programs, including those that govern the handling of hazardous and non-hazardous solid wastes and coal residuals.
- Underground Injection Control oversight programs for wells that pump saltwater or other industrial wastes into subsurface formations.
- Clean Air Act programs including air monitoring and emissions standard rules and lead-based paint oversight programs.
- Clean Water Act programs including sewage and animal feeding operations discharge standards and surface and groundwater rules and water quality standards.
- Underground petroleum storage tank monitoring and remediation programs.

Oklahoma's Department of Environmental Quality, the Oklahoma Department of Agriculture, Food and Forestry, the Oklahoma Water Resources Board and the Oklahoma Corporation Commission have historically overseen those programs.

Wagner noted the state asked for and received authorization to continue administering those programs in 2019 under the SAFETEA measure while justices on the U.S. Supreme Court considered a related case tied to the

question of whether or not Congress had officially terminated the Muscogee (Creek) Nation's reservation when Oklahoma became a state.

Oklahoma's request to Wheeler, sent by Gov. Kevin Stitt, was applauded late Wednesday by the Petroleum Alliance of Oklahoma.

"Gov. Stitt delivered for all Oklahomans, regardless of whether they are tribal members or non-Indians," Brook A. Simmons, the alliance's president, stated as part of a news release. "He acted to make sure trusted and experienced state agencies ... can continue to enforce regulations delegated to the state by EPA in Indian country."

---

**From:** Gee, Randy

**Sent:** Tuesday, July 14, 2020 4:17 PM

**To:** Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>; Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>

**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[acosta.gerardo@epa.gov](mailto:acosta.gerardo@epa.gov)>

**Subject:** RE: RTOC Meeting Question

## Ex. 5 Deliberative Process (DP)

---

**From:** Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>

**Sent:** Tuesday, July 14, 2020 11:22 AM

**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>; Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>

**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>

**Subject:** RE: RTOC Meeting Question

## Ex. 5 Deliberative Process (DP)

Just my 2 cents.....

---

**From:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>

**Sent:** Tuesday, July 14, 2020 8:52 AM

**To:** Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>

Cc: Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>

Subject: RTOC Meeting Question

Good morning,

# Ex. 5 Deliberative Process (DP)

Any thoughts and options to discuss are welcome.

Thank you,

Randy Gee

EPA Region 6 Office of Communities, Tribes and Environmental Assessment

Office Phone: 214-665-8355

Message

---

**From:** Byrne, Andrew [Byrne.Andrew@epa.gov]  
**Sent:** 7/23/2020 3:39:51 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** RE: SAFETEA

Thanks for the heads up, Randy.

**Andy Byrne**

American Indian Environmental Office  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
(202) 564-3836 (desk)  
(202) 322-8607 (mobile)

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**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 23, 2020 11:05 AM  
**To:** Wright, Felicia <Wright.Felicia@epa.gov>  
**Cc:** Blanco, Arturo <Blanco.Arturo@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; Post, William <post.william@epa.gov>  
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**Sent:** Tuesday, July 14, 2020 4:17 PM  
**To:** Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>; Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[acosta.gerardo@epa.gov](mailto:acosta.gerardo@epa.gov)>  
**Subject:** RE: RTOC Meeting Question

## Ex. 5 Deliberative Process (DP)

---

**From:** Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>  
**Sent:** Tuesday, July 14, 2020 11:22 AM  
**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>; Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>  
**Subject:** RE: RTOC Meeting Question

Some of the tribal attendees may be participating by sharing a line. Cherokee Nation, for an example, may have a few attendees (5-10), but share 2-3 lines? This may not be factored in your concern. When you send out an invite, you may request # of lines a tribe will need.

How realistic is that you will get 75% of 200 invitees? If you get 75%, that could be 50 unobligated lines that you didn't consider.

If the trend continues of confirmed cases of COVID-19 in Oklahoma, you may not have as many Oklahoma tribes participate, as expected.

## Ex. 5 Deliberative Process (DP)

Just my 2 cents.....

---

**From:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Sent:** Tuesday, July 14, 2020 8:52 AM  
**To:** Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>  
**Subject:** RTOC Meeting Question

Good morning,

I have a question on a possible issue next week. As you know we are using MS Teams next week for the virtual meetings. MS Teams has a participant limit of 250 call attendees. I have sent calendar invites to the tribal mailing list, EPA senior staff and guests who are to speak. The invitee list is at 200. I have not sent to the RIWG and RIWG list totals 80 EPA staff.

# **Ex. 5 Deliberative Process (DP)**

Any thoughts and options to discuss are welcome.

Thank you,

Randy Gee

EPA Region 6 Office of Communities, Tribes and Environmental Assessment

Office Phone: 214-665-8355

Message

---

**From:** Tidmore, Guy [tidmore.guy@epa.gov]  
**Sent:** 7/27/2020 7:56:12 PM  
**To:** Jones, Curry [jones.curry@epa.gov]; Biggs, Tonia [Biggs.Tonia@epa.gov]; Sherwood, Chelsey [Sherwood.Chelsey@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Hamilton, Denise [Hamilton.Denise@epa.gov]; Ngo, Kim [Ngo.Kim@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Aguinaga, David [Aguinaga.David@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]  
**CC:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Subject:** RE: Tulsa Supreme Court Discussion (McGirt v. Oklahoma)

Works for me.

---

**From:** Jones, Curry <jones.curry@epa.gov>  
**Sent:** Monday, July 27, 2020 2:11 PM  
**To:** Biggs, Tonia <Biggs.Tonia@epa.gov>; Sherwood, Chelsey <Sherwood.Chelsey@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Hamilton, Denise <Hamilton.Denise@epa.gov>; Ngo, Kim <Ngo.Kim@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>; Aguinaga, David <Aguinaga.David@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>  
**Cc:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: Tulsa Supreme Court Discussion (McGirt v. Oklahoma)

Hi Folks,

We need to move the meeting earlier. Would 9:00am work?

---

Curry Jones, MPH  
Chief, Water Resources Section (EN-WR)  
US Environmental Protection Agency - Region 6  
Phone: (214)665-6793  
Fax: (214)665-2191  
Email: [jones.curry@epa.gov](mailto:jones.curry@epa.gov)

**Follow EPA Region 6**



-----Original Appointment-----

**From:** Jones, Curry  
**Sent:** Thursday, July 16, 2020 2:41 PM  
**To:** Jones, Curry; Alvarado, Tina; Biggs, Tonia; Sherwood, Chelsey; Gee, Randy; Peters, Carol; Tidmore, Guy; Saunders, Jerry; Hamilton, Denise; Ngo, Kim  
**Cc:** Rudolph, Matthew; Aguinaga, David; Eckhart, Jeanne  
**Subject:** Tulsa Supreme Court Discussion (McGirt v. Oklahoma)  
**When:** Wednesday, July 29, 2020 1:00 PM-2:00 PM (UTC-06:00) Central Time (US & Canada).  
**Where:** Microsoft Teams Meeting

---

## **Ex. 6 Personal Privacy (PP)**

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

---

Message

---

**From:** Childers, Pat [Childers.Pat@epa.gov]  
**Sent:** 8/14/2020 6:02:53 PM  
**To:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**CC:** Siegal, Tod [Siegal.Tod@epa.gov]; Byrne, Andrew [Byrne.Andrew@epa.gov]; Payne, JamesJ [payne.jamesj@epa.gov]; Graf, Kate [Graf.Kate@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** Re: Request from NTAA (and NTWC) for overview of McGirt

Quick update looks like post November timeframe for this. So we have some time.

Sent from my iPhone

On Aug 13, 2020, at 8:27 AM, Childers, Pat <Childers.Pat@epa.gov> wrote:

FYI Andy Bessler is stating September for when they would do this. I asked him to let us know when he nails it down more specifically.

Sent from my iPhone

On Aug 12, 2020, at 6:10 PM, Alvarado, Tina <Alvarado.Tina@epa.gov> wrote:

## Ex. 5 Deliberative Process (DP)

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**From:** Childers, Pat <Childers.Pat@epa.gov>  
**Sent:** Wednesday, August 12, 2020 3:05 PM  
**To:** Siegal, Tod <Siegal.Tod@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Payne, JamesJ <payne.jamesj@epa.gov>; Graf, Kate <Graf.Kate@epa.gov>  
**Subject:** RE: Request from NTAA (and NTWC) for overview of McGirt

I was aware they were planning on doing a webinar on the topic. Pilar Thomas already did a quick update on it during one of the Air Policy calls for NTAA.

## Ex. 5 Deliberative Process (DP)

I can ask Andy Bessler on timing, NTAA is knocking out quite a few webinars so this is likely a couple weeks out.

---

**From:** Siegal, Tod <Siegal.Tod@epa.gov>  
**Sent:** Wednesday, August 12, 2020 2:52 PM  
**To:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Childers, Pat <Childers.Pat@epa.gov>;

Graf, Kate <Graf.Kate@epa.gov>

**Subject:** RE: Request from NTAA (and NTWC) for overview of McGirt

Thanks Tina. I'm adding Pat (OAR), Kate (OW), and Andy (needs no introduction) to your message.

All: Please see below for requests from the NTAA and NTWC for an overview of

McGirt.

Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

---

**From:** Alvarado, Tina <Alvarado.Tina@epa.gov>

**Sent:** Tuesday, August 11, 2020 2:42 PM

**To:** Siegal, Tod <Siegal.Tod@epa.gov>

**Subject:** Request from NTAA (and NTWC) for overview of McGirt

Hi Tod –

We have been asked if EPA would be willing to provide an overview of the McGirt case to the above mentioned groups. The person asking on behalf of NTAA is from Quapaw so he reached out to our tribal office, who then asked me. So now, naturally, I'm asking you! He also mentioned that it would be a webinar for both the NTAA and NTWC. I have no idea when it is, but I just said that I would ask if that is something that EPA could do. Thoughts?

Tina

## Appointment

---

**From:** Jones, Curry [jones.curry@epa.gov]  
**Sent:** 7/27/2020 7:42:20 PM  
**To:** Alvarado, Tina [Alvarado.Tina@epa.gov]; Biggs, Tonia [Biggs.Tonia@epa.gov]; Sherwood, Chelsey [Sherwood.Chelsey@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Hamilton, Denise [Hamilton.Denise@epa.gov]; Ngo, Kim [Ngo.Kim@epa.gov]  
**CC:** Rudolph, Matthew [rudolph.matthew@epa.gov]; Aguinaga, David [Aguinaga.David@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]  
**Subject:** Tulsa Supreme Court Discussion (McGirt v. Oklahoma)  
**Location:** Microsoft Teams Meeting  
**Start:** 7/29/2020 4:00:00 PM  
**End:** 7/29/2020 5:00:00 PM  
**Show Time As:** Tentative

---

[Join Microsoft Teams Meeting](#)

### Ex. 6 Personal Privacy (PP)

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By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

---

Message

---

**From:** Jones, Curry [jones.curry@epa.gov]  
**Sent:** 7/27/2020 7:11:13 PM  
**To:** Biggs, Tonia [Biggs.Tonia@epa.gov]; Sherwood, Chelsey [Sherwood.Chelsey@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Hamilton, Denise [Hamilton.Denise@epa.gov]; Ngo, Kim [Ngo.Kim@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Aguinaga, David [Aguinaga.David@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]  
**CC:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Subject:** RE: Tulsa Supreme Court Discussion (McGirt v. Oklahoma)

Hi Folks,

We need to move the meeting earlier. Would 9:00am work?

---

Curry Jones, MPH  
Chief, Water Resources Section (EN-WR)  
US Environmental Protection Agency - Region 6  
Phone: (214)665-6793  
Fax: (214)665-2191  
Email: jones.curry@epa.gov

**Follow EPA Region 6**



-----Original Appointment-----

**From:** Jones, Curry  
**Sent:** Thursday, July 16, 2020 2:41 PM  
**To:** Jones, Curry; Alvarado, Tina; Biggs, Tonia; Sherwood, Chelsey; Gee, Randy; Peters, Carol; Tidmore, Guy; Saunders, Jerry; Hamilton, Denise; Ngo, Kim  
**Cc:** Rudolph, Matthew; Aguinaga, David; Eckhart, Jeanne  
**Subject:** Tulsa Supreme Court Discussion (McGirt v. Oklahoma)  
**When:** Wednesday, July 29, 2020 1:00 PM-2:00 PM (UTC-06:00) Central Time (US & Canada).  
**Where:** Microsoft Teams Meeting

---

Join Microsoft Teams Meeting

**Ex. 6 Personal Privacy (PP)**

[Local numbers](#) | [Reset PIN](#) | [Learn more about Teams](#) | [Meeting options](#)

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

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Message

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**From:** Hancock, Roger [Hancock.Roger@epa.gov]  
**Sent:** 7/15/2020 4:32:51 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Subject:** RE: McGirt v. Oklahoma Case

OK, great thanks Randy and Tina.

Roger Hancock  
Tribal Solid Waste Coordinator  
US EPA Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270  
214-665-6688

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Wednesday, July 15, 2020 11:17 AM  
**To:** Hancock, Roger <Hancock.Roger@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: McGirt v. Oklahoma Case

Hey Roger- Tina is point person on this issue. I have been sending to her. Randy

---

**From:** Hancock, Roger <Hancock.Roger@epa.gov>  
**Sent:** Wednesday, July 15, 2020 11:16 AM  
**To:** Gee, Randy <Gee.Randy@epa.gov>  
**Subject:** FW: McGirt v. Oklahoma Case

Hey Randy. Hope everyone's doing well. FYI – HQ is asking about potential impacts to TSDs and CCR facilities from the supreme court ruling. Take care.

Roger Hancock  
Tribal Solid Waste Coordinator  
US EPA Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270  
214-665-6688

---

**From:** Hancock, Roger  
**Sent:** Wednesday, July 15, 2020 11:07 AM  
**To:** Shah, Harry <shah.harry@epa.gov>; Mustafa, Golam <mustafa.golam@epa.gov>; Christianson, Erik <christianson.erik@epa.gov>  
**Subject:** FW: McGirt v. Oklahoma Case

Hi. Just got this from HQ and wasn't sure how to get info on any TSDs that might be affected by the supreme court ruling. They are also asking about any affect on CCR facilities so wanted to check. Thanks.

Roger Hancock  
Tribal Solid Waste Coordinator  
US EPA Region 6  
1201 Elm St., Suite 500  
Dallas, TX 75270

---

**From:** Roy, Denise <[Roy.Denise@epa.gov](mailto:Roy.Denise@epa.gov)>  
**Sent:** Wednesday, July 15, 2020 9:40 AM  
**To:** Hancock, Roger <[Hancock.Roger@epa.gov](mailto:Hancock.Roger@epa.gov)>  
**Subject:** McGirt v. Oklahoma Case

Good Morning Roger,

I hope that all is well! The purpose of this message is to request your assistance with obtaining information in reference to the above subject matter. Specifically, ORCR management is interested

## Ex. 5 Deliberative Process (DP)

Denise

---

**From:** Klos, Caroline <[Klos.caroline@epa.gov](mailto:Klos.caroline@epa.gov)>  
**Sent:** Friday, July 10, 2020 7:50 AM  
**To:** OLEM ORCR PIID FSTPB <[OLEMORCRPIIDFSTPB@epa.gov](mailto:OLEMORCRPIIDFSTPB@epa.gov)>  
**Cc:** Guernica, Mimi <[Guernica.Mimi@epa.gov](mailto:Guernica.Mimi@epa.gov)>; Zoie Chang <[zochang@umich.edu](mailto:zochang@umich.edu)>; Carl Sivels <[CarlSivels@hotmail.com](mailto:CarlSivels@hotmail.com)>  
**Subject:** Supreme Court - OK reservation case

This is a huge win for Indian Country. The supreme court ruled in favor of the tribes in this landmark case – this is the one related to the podcast “This Land” that I strongly encourage you to listen to if you haven’t already. It’s recently updated with the new ruling. <https://podcasts.apple.com/us/podcast/this-land/id1464954218>

Here is an article about the ruling

[https://www.washingtonpost.com/politics/courts\\_law/supreme-court-says-much-of-eastern-oklahoma-remains-indian-land/2020/07/09/7bdc42d4-c1e2-11ea-9fdd-b7ac6b051dc8\\_story.html](https://www.washingtonpost.com/politics/courts_law/supreme-court-says-much-of-eastern-oklahoma-remains-indian-land/2020/07/09/7bdc42d4-c1e2-11ea-9fdd-b7ac6b051dc8_story.html)

and this is a summary of the ruling: <https://www.scotusblog.com/case-files/cases/mcgirt-v-oklahoma/>

Friday’s are a good day to get some reading/research done, so I hope you can find sometime in your workday to begin listening to the podcast or read the summaries.

The supreme court has really been on a roll recently!

Caroline Mixon Klos, Chief  
Federal, State, and Tribal Programs Branch  
[Klos.caroline@epa.gov](mailto:Klos.caroline@epa.gov)  
703-308-8790 office  
202-279-1377 cell

Message

---

**From:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Sent:** 7/23/2020 2:11:42 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** RE: SAFETEA Invoked Yesterday  
**Attachments:** SAFETEA.OklahomaRequest.2020.7.22.pdf

Not just a news article. Attached in the letter signed by the governor. However, we HAVE NOT received it from within the agency yet. This was included in a press release that I got from a Tulsa Solicitor's Office contact, who got it from an O&G attorney sending the Petroleum Alliance's press release that had it included as an attachment.

Tina

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 23, 2020 8:05 AM  
**To:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** FW: SAFETEA Invoked Yesterday

FYI Tina

---

**From:** Houston, Robert <Houston.Robert@epa.gov>  
**Sent:** Thursday, July 23, 2020 7:31 AM  
**To:** Gee, Randy <Gee.Randy@epa.gov>  
**Cc:** Blanco, Arturo <Blanco.Arturo@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>  
**Subject:** RE: SAFETEA Invoked Yesterday

Thanks Randy,

Below is a note from David:

## Ex. 5 Deliberative Process (DP)

Thank you.

Robert Houston, Staff Director  
Office of Communities, Tribes and Environmental Assessment  
U.S. Environmental Protection Agency Region 6  
Office: (214) 665-8565  
Mobile: (214) 701-1935

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 23, 2020 6:58 AM  
**To:** Houston, Robert <Houston.Robert@epa.gov>  
**Cc:** Blanco, Arturo <Blanco.Arturo@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>  
**Subject:** Re: SAFETEA Invoked Yesterday

Robert

# Ex. 5 Deliberative Process (DP)

Thanks

Randy

Sent from my iPhone

On Jul 23, 2020, at 6:50 AM, Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)> wrote:

FYI Robert- I believe you are representing the office at 715.

Sent from my iPhone

Begin forwarded message:

**From:** "Gee, Randy" <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Date:** July 23, 2020 at 6:36:00 AM CDT  
**To:** "Hicks, Curtis" <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>, "Allen, Mark" <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>, "Gomez, Salina" <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>, "Harris, Fincher" <[harris.finchier@epa.gov](mailto:harris.finchier@epa.gov)>, "Hight, Ira" <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>, "Olson, Alexandra" <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** "Blanco, Arturo" <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>, "Acosta, Gerardo" <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>  
**Subject:** Huddle Update on SAFETEA

## Oklahoma seeks continued authority to oversee environmental programs in state's Indian territories

Oklahoma is asking the EPA to grant it the authority to continue regulating environmental issues across areas of the state designated as Indian Territory before statehood.

The state seeks the authority under a provision that is part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA) of 2005.

Its request comes as Oklahoma and the Five Tribes continue to discuss ramifications from the U.S. Supreme Court's 5-to-4 decision that Congress failed to dissolve the Creek Nation's reservation in 1907.

While the case dealt specifically with a criminal matter that happened within the Creek Nation's pre-state territory, tribal and state officials interpreted its outcome as more broadly applicable to areas of eastern and southern Oklahoma held by the Five Tribes before Oklahoma joined the union in 1907.

“What this does is maintain the status quo for programs Oklahoma administers for the EPA,” said Kenneth Wagner, Oklahoma’s secretary of energy and environment. “We have worked with the tribes for years and years and years on these cooperative programs with the federal government. This isn’t a surprise to the tribes — they are aware of it.”

Under SAFETEA, Environmental Protection Agency Administrator Andrew Wheeler is authorized to grant Oklahoma the continued authority to administer environmental programs his agency previously allowed the state to oversee.

If granted, Oklahoma would continue to have authority to administer environmental programs on lands within the Five Tribes historical territories that aren’t Indian allotments, held in trust by the U.S. on behalf of an individual Indian or tribe or owned by a tribe.

Involved programs include:

- Resource Conservation and Recovery Act programs, including those that govern the handling of hazardous and non-hazardous solid wastes and coal residuals.
- Underground Injection Control oversight programs for wells that pump saltwater or other industrial wastes into subsurface formations.
- Clean Air Act programs including air monitoring and emissions standard rules and lead-based paint oversight programs.
- Clean Water Act programs including sewage and animal feeding operations discharge standards and surface and groundwater rules and water quality standards.
- Underground petroleum storage tank monitoring and remediation programs.

Oklahoma’s Department of Environmental Quality, the Oklahoma Department of Agriculture, Food and Forestry, the Oklahoma Water Resources Board and the Oklahoma Corporation Commission have historically overseen those programs.

Wagner noted the state asked for and received authorization to continue administering those programs in 2019 under the SAFETEA measure while justices on the U.S. Supreme Court considered a related case tied to the question of whether or not Congress had officially terminated the Muscogee (Creek) Nation’s reservation when Oklahoma became a state.

Oklahoma’s request to Wheeler, sent by Gov. Kevin Stitt, was applauded late Wednesday by the Petroleum Alliance of Oklahoma.

“Gov. Stitt delivered for all Oklahomans, regardless of whether they are tribal members or non-Indians,” Brook A. Simmons, the alliance’s president, stated as part of a news release. “He acted to make sure trusted and experienced state agencies ... can continue to enforce regulations delegated to the state by EPA in Indian country.”

---

**From:** Gee, Randy

**Sent:** Tuesday, July 14, 2020 4:17 PM

**To:** Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>; Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[acosta.gerardo@epa.gov](mailto:acosta.gerardo@epa.gov)>  
**Subject:** RE: RTOC Meeting Question

## Ex. 5 Deliberative Process (DP)

**From:** Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>  
**Sent:** Tuesday, July 14, 2020 11:22 AM  
**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>; Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>  
**Subject:** RE: RTOC Meeting Question

Some of the tribal attendees may be participating by sharing a line. Cherokee Nation, for an example, may have a few attendees (5-10), but share 2-3 lines? This may not be factored in your concern. When you send out an invite, you may request # of lines a tribe will need.

How realistic is that you will get 75% of 200 invitees? If you get 75%, that could be 50 unobligated lines that you didn't consider.

If the trend continues of confirmed cases of COVID-19 in Oklahoma, you may not have as many Oklahoma tribes participate, as expected.

## Ex. 5 Deliberative Process (DP)

Just my 2 cents.....

**From:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Sent:** Tuesday, July 14, 2020 8:52 AM  
**To:** Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>  
**Subject:** RTOC Meeting Question

Good morning,

## Ex. 5 Deliberative Process (DP)

## **Ex. 5 Deliberative Process (DP)**

Any thoughts and options to discuss are welcome.

Thank you,

Randy Gee

EPA Region 6 Office of Communities, Tribes and Environmental Assessment

Office Phone: 214-665-8355

Message

---

**From:** Childers, Pat [Childers.Pat@epa.gov]  
**Sent:** 8/13/2020 2:03:21 PM  
**To:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**CC:** Siegal, Tod [Siegal.Tod@epa.gov]; Byrne, Andrew [Byrne.Andrew@epa.gov]; Payne, JamesJ [payne.jamesj@epa.gov]; Graf, Kate [Graf.Kate@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** RE: Request from NTAA (and NTWC) for overview of McGirt

Sure,

I will glad to be the one to give a final “this is EPA’s response to your request” to Andy and you all can get back to Craig in the meantime. I speak with him twice a day usually so if you do it by email, simply cc me on the response.

## Ex. 5 Deliberative Process (DP)

Thanks all  
Pat

---

**From:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Sent:** Thursday, August 13, 2020 9:58 AM  
**To:** Childers, Pat <Childers.Pat@epa.gov>  
**Cc:** Siegal, Tod <Siegal.Tod@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; Payne, JamesJ <payne.jamesj@epa.gov>; Graf, Kate <Graf.Kate@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>  
**Subject:** RE: Request from NTAA (and NTWC) for overview of McGirt

So, can we let our regional contact (Craig Kreman, Quapaw Nation) know that speaker coordination for their webinar will between you (Pat) and Andy? I just don’t want to leave him waiting for a response.

---

**From:** Childers, Pat <Childers.Pat@epa.gov>  
**Sent:** Thursday, August 13, 2020 7:27 AM  
**To:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Cc:** Siegal, Tod <Siegal.Tod@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>; Payne, JamesJ <payne.jamesj@epa.gov>; Graf, Kate <Graf.Kate@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>  
**Subject:** Re: Request from NTAA (and NTWC) for overview of McGirt

FYI Andy Bessler is stating September for when they would do this. I asked him to let us know when he nails it down more specifically.

Sent from my iPhone

On Aug 12, 2020, at 6:10 PM, Alvarado, Tina <Alvarado.Tina@epa.gov> wrote:

## Ex. 5 Deliberative Process (DP)

---

**From:** Childers, Pat <Childers.Pat@epa.gov>  
**Sent:** Wednesday, August 12, 2020 3:05 PM  
**To:** Siegal, Tod <Siegal.Tod@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Payne, JamesJ <payne.jamesj@epa.gov>; Graf, Kate <Graf.Kate@epa.gov>  
**Subject:** RE: Request from NTAA (and NTWC) for overview of McGirt

I was aware they were planning on doing a webinar on the topic. Pilar Thomas already did a quick update on it during one of the Air Policy calls for NTAA.

## Ex. 5 Deliberative Process (DP)

I can ask Andy Bessler on timing, NTAA is knocking out quite a few webinars so this is likely a couple weeks out.

---

**From:** Siegal, Tod <Siegal.Tod@epa.gov>  
**Sent:** Wednesday, August 12, 2020 2:52 PM  
**To:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Childers, Pat <Childers.Pat@epa.gov>; Graf, Kate <Graf.Kate@epa.gov>  
**Subject:** RE: Request from NTAA (and NTWC) for overview of McGirt

Thanks Tina. I'm adding Pat (OAR), Kate (OW), and Andy (needs no introduction) to your message.

All: Please see below for requests from the NTAA and NTWC for an overview of *McGirt*.

Ex. 5 Deliberative Process (DP)

## Ex. 5 Deliberative Process (DP)

Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

---

**From:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Sent:** Tuesday, August 11, 2020 2:42 PM  
**To:** Siegal, Tod <Siegal.Tod@epa.gov>  
**Subject:** Request from NTAA (and NTWC) for overview of McGirt

Hi Tod –

We have been asked if EPA would be willing to provide an overview of the McGirt case to the above mentioned groups. The person asking on behalf of NTAA is from Quapaw so he reached out to our tribal office, who then asked me. So now, naturally, I'm asking you! He also mentioned that it would be a webinar for both the NTAA and NTWC. I have no idea when it is, but I just said that I would ask if that is something that EPA could do. Thoughts?

Tina

Message

---

**From:** Gee, Randy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=186E0AABC3E04D258DB13B8BFA93CDC4-GEE, RANDY]  
**Sent:** 7/14/2020 12:46:46 PM  
**To:** Gude, Karen [Gude.Karen@epa.gov]; Childers, Pat [Childers.Pat@epa.gov]  
**CC:** Byrne, Andrew [Byrne.Andrew@epa.gov]; Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Subject:** RE: McGirt Opinion - link

Thanks Karen and Pat for your responses.

Randy

---

**From:** Gude, Karen <Gude.Karen@epa.gov>  
**Sent:** Tuesday, July 14, 2020 7:44 AM  
**To:** Childers, Pat <Childers.Pat@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: McGirt Opinion - link

Randy,

# Ex. 5 Deliberative Process (DP)

If you have additional questions, please let me know.

Thanks again,

Karen Gude  
Tribal Program Coordinator  
U.S. EPA/Office of Water  
Phone: (202) 564-0831

---

**From:** Childers, Pat <Childers.Pat@epa.gov>  
**Sent:** Friday, July 10, 2020 9:06 AM  
**To:** Gee, Randy <Gee.Randy@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: McGirt Opinion - link

Great question,

Hey Randy

# Ex. 5 Deliberative Process (DP)

Hope this helps.

Pat

---

**From:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>

**Sent:** Thursday, July 09, 2020 1:47 PM

**To:** Childers, Pat <[Childers.Pat@epa.gov](mailto:Childers.Pat@epa.gov)>; Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>

**Cc:** Byrne, Andrew <[Byrne.Andrew@epa.gov](mailto:Byrne.Andrew@epa.gov)>; Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>

**Subject:** FW: McGirt Opinion - link

Hello Pat and Karen,

# Ex. 5 Deliberative Process (DP)

Thanks

Randy

---

**From:** Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>

**Sent:** Thursday, July 09, 2020 9:12 AM

**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>

**Subject:** McGirt Opinion - link

[https://www.supremecourt.gov/opinions/19pdf/18-9526\\_9okb.pdf](https://www.supremecourt.gov/opinions/19pdf/18-9526_9okb.pdf)

Tina Alvarado  
Assistant Regional Counsel  
Tribal and Cross-Cutting Law  
U.S. Environmental Protection Agency  
Office of Regional Counsel, 6RC-D

1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
(214) 665-2709

Message

---

**From:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Sent:** 7/29/2020 5:30:20 PM  
**To:** Jones, Curry [jones.curry@epa.gov]; Biggs, Tonia [Biggs.Tonia@epa.gov]; Sherwood, Chelsey [Sherwood.Chelsey@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Hamilton, Denise [Hamilton.Denise@epa.gov]; Ngo, Kim [Ngo.Kim@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]  
**CC:** Rudolph, Matthew [rudolph.matthew@epa.gov]; Aguinaga, David [Aguinaga.David@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]  
**Subject:** RE: Tulsa Supreme Court Discussion (McGirt v. Oklahoma)  
**Attachments:** EPA Oklahoma Tribal Lands Map.pdf; Counties and maps for Five Tribes.docx; SAFETEA.OklahomaRequest.2020.7.22.pdf; McGirt SCOTUS Opinion\_July 9 2020.pdf

Hi everyone,

Thanks for the discussion today. As promised, here are the maps, county lists, the SAFETEA letter from the state, and the McGirt opinion. As always, I am here to answer questions. We will do our best to keep you guys updated as new info arises or as we get answers.

Tina

Tina Alvarado  
Assistant Regional Counsel  
Tribal and Cross-Cutting Law  
U.S. Environmental Protection Agency  
Office of Regional Counsel, 6RC-D  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
(214) 665-2709

-----Original Appointment-----

**From:** Jones, Curry <jones.curry@epa.gov>  
**Sent:** Thursday, July 16, 2020 2:42 PM  
**To:** Jones, Curry; Alvarado, Tina; Biggs, Tonia; Sherwood, Chelsey; Gee, Randy; Peters, Carol; Saunders, Jerry; Hamilton, Denise; Ngo, Kim; Tidmore, Guy  
**Cc:** Rudolph, Matthew; Aguinaga, David; Eckhart, Jeanne  
**Subject:** Tulsa Supreme Court Discussion (McGirt v. Oklahoma)  
**When:** Wednesday, July 29, 2020 11:00 AM-12:00 PM (UTC-06:00) Central Time (US & Canada).  
**Where:** Microsoft Teams Meeting

---

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By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

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Message

---

**From:** Gee, Randy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=186E0AABC3E04D258DB13B8BFA93CDC4-GEE, RANDY]  
**Sent:** 7/10/2020 1:08:14 PM  
**To:** Aunjanee Gautreaux [Gautreaux.Aunjanee@epa.gov]  
**Subject:** FW: McGirt Opinion - link

Good morning Aunjanee,

## Ex. 5 Deliberative Process (DP)

Randy

---

**From:** Childers, Pat <Childers.Pat@epa.gov>  
**Sent:** Friday, July 10, 2020 8:06 AM  
**To:** Gee, Randy <Gee.Randy@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: McGirt Opinion - link

Great question,

Hey Randy

## Ex. 5 Deliberative Process (DP)

Hope this helps.

Pat

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 09, 2020 1:47 PM  
**To:** Childers, Pat <Childers.Pat@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** FW: McGirt Opinion - link

Hello Pat and Karen,

## Ex. 5 Deliberative Process (DP)

Thanks

Randy

---

**From:** Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>

**Sent:** Thursday, July 09, 2020 9:12 AM

**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>

**Subject:** McGirt Opinion - link

[https://www.supremecourt.gov/opinions/19pdf/18-9526\\_9okb.pdf](https://www.supremecourt.gov/opinions/19pdf/18-9526_9okb.pdf)

Tina Alvarado  
Assistant Regional Counsel  
Tribal and Cross-Cutting Law  
U.S. Environmental Protection Agency  
Office of Regional Counsel, 6RC-D  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
(214) 665-2709

Message

---

**From:** Jones, Curry [jones.curry@epa.gov]  
**Sent:** 7/9/2020 6:50:16 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** RE: SUPREME COURT: Justices grant tribal control over nearly half of Okla

WOOOOOOOOOOOOOOOOOW

---

Curry Jones, MPH  
Chief, Water Resources Section (EN-WR)  
US Environmental Protection Agency - Region 6  
Phone:(214)665-6793  
Fax: (214)665-2191  
Email: jones.curry@epa.gov

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---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 09, 2020 1:40 PM  
**To:** Jones, Curry <jones.curry@epa.gov>  
**Subject:** RE: SUPREME COURT: Justices grant tribal control over nearly half of Okla

**Ex. 5 Deliberative Process (DP)**

---

**From:** Jones, Curry <jones.curry@epa.gov>  
**Sent:** Thursday, July 09, 2020 1:39 PM  
**To:** Gee, Randy <Gee.Randy@epa.gov>  
**Subject:** RE: SUPREME COURT: Justices grant tribal control over nearly half of Okla

I saw that. This will be interesting.

---

Curry Jones, MPH  
Chief, Water Resources Section (EN-WR)  
US Environmental Protection Agency - Region 6  
Phone:(214)665-6793  
Fax: (214)665-2191  
Email: jones.curry@epa.gov

**Follow EPA Region 6**



---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 09, 2020 1:38 PM

To: R6 RIWG <R6\_RIWG@epa.gov>

Subject: SUPREME COURT: Justices grant tribal control over nearly half of Okla

To the RWIG,

The Supreme Court issued a decision affecting one of our Oklahoma tribal partners (and affect others in the future). More detail/discussion is forthcoming. Randy

[https://www.supremecourt.gov/opinions/19pdf/18-9526\\_9okb.pdf](https://www.supremecourt.gov/opinions/19pdf/18-9526_9okb.pdf)

<https://www.eenews.net/greenwire/2020/07/09/stories/1063534203>

## SUPREME COURT: Justices grant tribal control over nearly half of Okla.

Nilina H. Farah, E&E News reporter Published: Thursday, July 9, 2020

Millions of acres in the eastern half of Oklahoma remain part of a Native American reservation for criminal law purposes, the Supreme Court said today in a sharply divided ruling that could have implications for oil and gas development in the state.

This morning's 5-4 **decision** put an end to a stalemate over whether 3 million acres of land, including part of the city of Tulsa, remained within the boundaries of Indian Country under an 1832 treaty struck with the Creek Nation after the U.S. government forced members of the tribe from their lands in Georgia and Alabama. The decision also recognized four other reservations in the state, bringing the total reservation land to 19 million acres.

"Today we are asked whether the land these treaties promised remains an Indian reservation for purposes of federal criminal law," Justice Neil Gorsuch, joined by the court's four liberal justices, wrote for the majority. "Because Congress has not said otherwise, we hold the government to its word."

The case, *McGirt v. Oklahoma*, had drawn the attention of at least one oil and gas association, which warned of the potential consequences to energy development if the high court found that the lands were still under tribal control.

Gorsuch today acknowledged the "potential for cost and conflict" as a result of the ruling but said the state and tribe are capable of reaching intergovernmental agreements.

Chief Justice John Roberts, who penned the court's dissenting opinion, also warned of the broad potential consequences of the ruling. He was joined by Justices Samuel Alito, Brett Kavanaugh and Clarence Thomas, except in one footnote of the opinion.

Roberts argued that today's decision would hobble the state's ability to prosecute serious crimes and could lead to decades of convictions being thrown out.

"On top of that, the Court has profoundly destabilized the governance of eastern Oklahoma," the chief justice wrote. "The decision today creates significant uncertainty for the State's continuing authority over any area that touches Indian affairs, ranging from zoning and taxation to family and environmental law."

Jimcy McGirt, a member of the Seminole/Muscogee (Creek) nations, argued in *McGirt v. Oklahoma* that a state court improperly convicted him of sex crimes against a 4-year-old child because the events took place on land that still remained part of the Creek reservation.

Attorneys for McGirt argued to the Supreme Court that his case should instead be reheard by a federal court ([Energywire](#), May 12).

McGirt's position closely mirrored an argument brought in the case *Sharp v. Murphy* that the justices last year punted to this term.

The court's ruling today also resolves the key question in *Sharp*.

Oklahoma has maintained that the Creek Nation does not currently hold a claim to the land, alternately arguing that the claims to the land had either been invalidated or that Congress had instead established a separate entity — a "dependent Indian community" for the Creek Nation.

The court called the argument that the Creek Nation never had a reservation "willful blindness to the statutory language." The justices also rejected claims that subsequent division and sale of the land had dissolved the reservation.

"If Congress wishes to withdraw its promises, it must say so," Gorsuch wrote.

"Unlawful acts, performed long enough and with sufficient vigor, are never enough to amend the law," he continued. "To hold otherwise would be to elevate the most brazen and longstanding injustices over the law, both rewarding wrong and failing those in the right."

Gorsuch said that both Oklahoma and its tribes had "proven time and again" their ability to work as partners.

"Congress remains free to supplement its statutory directions about the lands in question at any time," he added.

### **'Historic step'**

Shortly after the ruling, Oklahoma Attorney General Mike Hunter (R) released a joint statement with the Muscogee (Creek), Cherokee, Chickasaw, Choctaw and Seminole nations that they had made "substantial progress" on an agreement to send to Congress and the Department of Justice to resolve any jurisdictional issues produced by the high court decision.

"The Nations and the State are committed to ensuring that Jimcy McGirt, Patrick Murphy, and all other offenders face justice for the crimes for which they are accused," they said. "We have a shared commitment to maintaining public safety and long-term economic prosperity for the Nations and Oklahoma."

The court's ruling drew praise from other Native American tribes and lawmakers.

The National Congress of American Indians noted that the issue decided by the court had "loomed over federal Indian law" for two Supreme Court terms.

"This morning, NCAI joined the rest of Indian Country in congratulating the Muscogee (Creek) Nation and proudly asserting that its lands remain, and will forever be considered, Indian country as guaranteed in their treaty relationship with the United States," said NCAI President Fawn Sharp.

Members of Congress also applauded the ruling.

"While no court decision can correct centuries of injustice committed against Indigenous people, today's ruling is a historic step forward to safeguard Tribal sovereignty for decades to come," said New Mexico Sen. Tom Udall (D).

Message

---

**From:** Acosta, Gerardo [Acosta.Gerardo@epa.gov]  
**Sent:** 7/23/2020 12:31:33 PM  
**To:** Houston, Robert [Houston.Robert@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]  
**CC:** Blanco, Arturo [Blanco.Arturo@epa.gov]  
**Subject:** RE: SAFETEA Invoked Yesterday

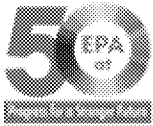
Thanks, Robert

Regards,

Gerardo Acosta, Staff Director,  
Office of Communities, Tribes, and Environmental Assessment  
US EPA Region VI (ORAC)  
1201 Elm Street, Suite 500  
Dallas, TX 75270

214.665.8042 (desk)  
469.520.7752 (mobile)

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---

**From:** Houston, Robert <Houston.Robert@epa.gov>  
**Sent:** Thursday, July 23, 2020 7:31 AM  
**To:** Gee, Randy <Gee.Randy@epa.gov>  
**Cc:** Blanco, Arturo <Blanco.Arturo@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>  
**Subject:** RE: SAFETEA Invoked Yesterday

Thanks Randy,

Below is a note from David:

## Ex. 5 Deliberative Process (DP)

Thank you.

Robert Houston, Staff Director  
Office of Communities, Tribes and Environmental Assessment  
U.S. Environmental Protection Agency Region 6  
Office: (214) 665-8565  
Mobile: (214) 701-1935

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 23, 2020 6:58 AM  
**To:** Houston, Robert <Houston.Robert@epa.gov>

Cc: Blanco, Arturo <Blanco.Arturo@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>

Subject: Re: SAFETEA Invoked Yesterday

Robert

## Ex. 5 Deliberative Process (DP)

Thanks

Randy

Sent from my iPhone

On Jul 23, 2020, at 6:50 AM, Gee, Randy <Gee.Randy@epa.gov> wrote:

FYI Robert- I believe you are representing the office at 715.

Sent from my iPhone

Begin forwarded message:

**From:** "Gee, Randy" <Gee.Randy@epa.gov>  
**Date:** July 23, 2020 at 6:36:00 AM CDT  
**To:** "Hicks, Curtis" <hicks.curtis@epa.gov>, "Allen, Mark" <Allen.Mark@epa.gov>, "Gomez, Salina" <Gomez.Salina@epa.gov>, "Harris, Fincher" <harris.fischer@epa.gov>, "Hight, Ira" <Hight.Ira@epa.gov>, "Olson, Alexandra" <olson.alexandra@epa.gov>  
**Cc:** "Blanco, Arturo" <Blanco.Arturo@epa.gov>, "Acosta, Gerardo" <Acosta.Gerardo@epa.gov>  
**Subject:** Huddle Update on SAFETEA

## Oklahoma seeks continued authority to oversee environmental programs in state's Indian territories

Oklahoma is asking the EPA to grant it the authority to continue regulating environmental issues across areas of the state designated as Indian Territory before statehood.

The state seeks the authority under a provision that is part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA) of 2005.

Its request comes as Oklahoma and the Five Tribes continue to discuss ramifications from the U.S. Supreme Court's 5-to-4 decision that Congress failed to dissolve the Creek Nation's reservation in 1907.

While the case dealt specifically with a criminal matter that happened within the Creek Nation's pre-state territory, tribal and state officials interpreted its outcome as more broadly applicable to areas of eastern and southern Oklahoma held by the Five Tribes before Oklahoma joined the union in 1907.

“What this does is maintain the status quo for programs Oklahoma administers for the EPA,” said Kenneth Wagner, Oklahoma’s secretary of energy and environment. “We have worked with the tribes for years and years and years on these cooperative programs with the federal government. This isn’t a surprise to the tribes — they are aware of it.”

Under SAFETEA, Environmental Protection Agency Administrator Andrew Wheeler is authorized to grant Oklahoma the continued authority to administer environmental programs his agency previously allowed the state to oversee.

If granted, Oklahoma would continue to have authority to administer environmental programs on lands within the Five Tribes historical territories that aren't Indian allotments, held in trust by the U.S. on behalf of an individual Indian or tribe or owned by a tribe.

Involved programs include:

- Resource Conservation and Recovery Act programs, including those that govern the handling of hazardous and non-hazardous solid wastes and coal residuals.
- Underground Injection Control oversight programs for wells that pump saltwater or other industrial wastes into subsurface formations.
- Clean Air Act programs including air monitoring and emissions standard rules and lead-based paint oversight programs.
- Clean Water Act programs including sewage and animal feeding operations discharge standards and surface and groundwater rules and water quality standards.
- Underground petroleum storage tank monitoring and remediation programs.

Oklahoma’s Department of Environmental Quality, the Oklahoma Department of Agriculture, Food and Forestry, the Oklahoma Water Resources Board and the Oklahoma Corporation Commission have historically overseen those programs.

Wagner noted the state asked for and received authorization to continue administering those programs in 2019 under the SAFETEA measure while justices on the U.S. Supreme Court considered a related case tied to the question of whether or not Congress had officially terminated the Muscogee (Creek) Nation’s reservation when Oklahoma became a state.

Oklahoma’s request to Wheeler, sent by Gov. Kevin Stitt, was applauded late Wednesday by the Petroleum Alliance of Oklahoma.

“Gov. Stitt delivered for all Oklahomans, regardless of whether they are tribal members or non-Indians,” Brook A. Simmons, the alliance’s president, stated as part of a news release. “He acted to make sure trusted and experienced state agencies ... can continue to enforce regulations delegated to the state by EPA in Indian country.”

---

**From:** Gee, Randy  
**Sent:** Tuesday, July 14, 2020 4:17 PM  
**To:** Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>; Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[acosta.gerardo@epa.gov](mailto:acosta.gerardo@epa.gov)>  
**Subject:** RE: RTOC Meeting Question

## Ex. 5 Deliberative Process (DP)

---

**From:** Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>  
**Sent:** Tuesday, July 14, 2020 11:22 AM  
**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>; Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>  
**Subject:** RE: RTOC Meeting Question

Some of the tribal attendees may be participating by sharing a line. Cherokee Nation, for an example, may have a few attendees (5-10), but share 2-3 lines? This may not be factored in your concern. When you send out an invite, you may request # of lines a tribe will need.

How realistic is that you will get 75% of 200 invitees? If you get 75%, that could be 50 unobligated lines that you didn't consider.

If the trend continues of confirmed cases of COVID-19 in Oklahoma, you may not have as many Oklahoma tribes participate, as expected.

## Ex. 5 Deliberative Process (DP)

Just my 2 cents.....

---

**From:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Sent:** Tuesday, July 14, 2020 8:52 AM  
**To:** Allen, Mark <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; Gomez, Salina <[Gomez.Salina@epa.gov](mailto:Gomez.Salina@epa.gov)>; Harris, Fincher <[harris.fischer@epa.gov](mailto:harris.fischer@epa.gov)>; Hicks, Curtis <[hicks.curtis@epa.gov](mailto:hicks.curtis@epa.gov)>; Hight, Ira <[Hight.Ira@epa.gov](mailto:Hight.Ira@epa.gov)>; Olson, Alexandra <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>  
**Cc:** Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>  
**Subject:** RTOC Meeting Question

Good morning,

## **Ex. 5 Deliberative Process (DP)**

Any thoughts and options to discuss are welcome.

Thank you,

Randy Gee

EPA Region 6 Office of Communities, Tribes and Environmental Assessment

Office Phone: 214-665-8355

**From:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Sent:** 7/9/2020 6:15:40 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** RE: McGirt Opinion - link

## Ex. 5 AC/DP

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 09, 2020 1:12 PM  
**To:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: McGirt Opinion - link

Interesting Justice Roberts mentioned environmental law in the dissent:

Across this vast area, the State's ability to prosecute serious crimes will be hobbled and decades of past convictions could well be thrown out. On top of that, the Court has profoundly destabilized the governance of eastern Oklahoma. The decision today creates significant uncertainty for the State's continuing authority over any area that touches Indian affairs, ranging from zoning and taxation to family and environmental law.

---

**From:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Sent:** Thursday, July 09, 2020 1:08 PM  
**To:** Gee, Randy <Gee.Randy@epa.gov>  
**Subject:** RE: McGirt Opinion - link

## Ex. 5 AC/DP

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 09, 2020 12:47 PM  
**To:** Childers, Pat <Childers.Pat@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** FW: McGirt Opinion - link

Hello Pat and Karen,

I am sure you will receive questions on the Supreme Court ruling on the Creek Nation reservation and possible effects on Cherokee, Chickasaw, Choctaw and Seminole.

## Ex. 5 Deliberative Process (DP)

Thanks

Randy

---

**From:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Sent:** Thursday, July 09, 2020 9:12 AM

**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>

**Subject:** McGirt Opinion - link

[https://www.supremecourt.gov/opinions/19pdf/18-9526\\_9okb.pdf](https://www.supremecourt.gov/opinions/19pdf/18-9526_9okb.pdf)

Tina Alvarado  
Assistant Regional Counsel  
Tribal and Cross-Cutting Law  
U.S. Environmental Protection Agency  
Office of Regional Counsel, 6RC-D  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
(214) 665-2709

Message

---

**From:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Sent:** 7/23/2020 1:56:04 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]  
**CC:** Blanco, Arturo [Blanco.Arturo@epa.gov]  
**Subject:** RE: [EXTERNAL] FW: McGirt, State of Oklahoma and the EPA!

No! No clue what that is about.

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Thursday, July 23, 2020 6:08 AM  
**To:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Cc:** Blanco, Arturo <Blanco.Arturo@epa.gov>  
**Subject:** Re: [EXTERNAL] FW: McGirt, State of Oklahoma and the EPA!

The news story quotes Ken Wagner stating the State invoked SAFETEA last year while the Murphy case was being decided. Is that true?

Sent from my iPhone

On Jul 22, 2020, at 9:26 PM, Alvarado, Tina <Alvarado.Tina@epa.gov> wrote:

FYI – I assume we will get this through more official channels soon. You can see the letter if you control+click on the blue box below.

**Ex. 5 Deliberative Process (DP)**

For now, this is publicly available:

<https://oklahoman.com/article/5667451/oklahoma-seeks-continued-authority-to-oversee-environmental-programs-in-states-indian-territories>

---

**From:** Giebel, Valery O <valery.giebel@sol.doi.gov>  
**Sent:** Wednesday, July 22, 2020 6:17 PM  
**To:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** FW: [EXTERNAL] FW: McGirt, State of Oklahoma and the EPA!

---

**From:** Jennifer Krieg <jkrieg@reagansmith.com>  
**Sent:** Wednesday, July 22, 2020 5:53 PM  
**To:** Babst, Jr, Charles R <Charles.Babst@sol.doi.gov>; Cleary, Conor P <conor.cleary@sol.doi.gov>; Giebel, Valery O <valery.giebel@sol.doi.gov>; Mendell, Brandy L <brandy.mendell@sol.doi.gov>; Woodcock, Alan R <Alan.Woodcock@sol.doi.gov>  
**Subject:** [EXTERNAL] FW: McGirt, State of Oklahoma and the EPA!

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See below.

*Jennifer E. Krieg*  
Vice-President & General Counsel

<image001.png>

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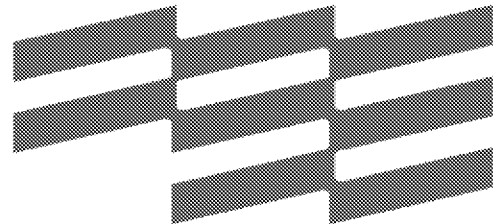
**From:** The Petroleum Alliance of Oklahoma <[contact@okpetro.com](mailto:contact@okpetro.com)>

**Sent:** Wednesday, July 22, 2020 5:34 PM

**To:** Jennifer Krieg <[jkrieg@reagansmith.com](mailto:jkrieg@reagansmith.com)>

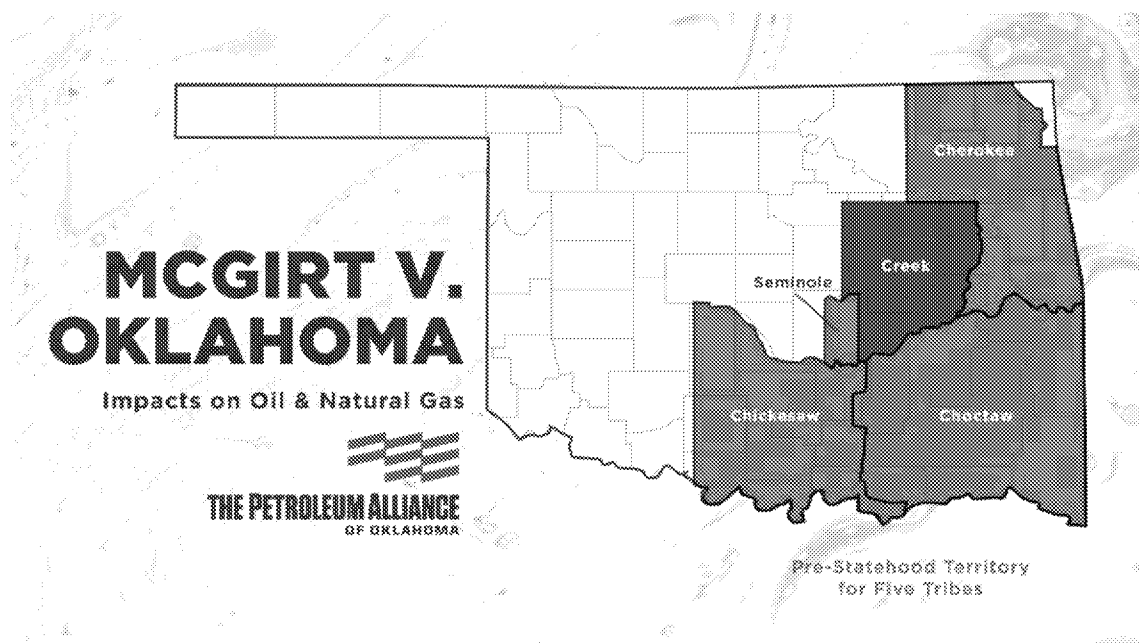
**Subject:** McGirt vs. Oklahoma Update- TIME SENSITIVE

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**THE PETROLEUM ALLIANCE**  
**OF OKLAHOMA**

---



The Petroleum Alliance of Oklahoma has been working with state officials since the *McGirt v. Oklahoma* decision to trigger a federal law ensuring that Oklahoma can continue to enforce environmental regulations delegated to the state by EPA in Indian country. This provision of law from the 2005 federal highway bill is found in subpart a of the attached, marked language (2005 SAFETEA-LU Oklahoma Language).

Today, Governor Stitt triggered this provision (*SAFETEA request to Administrator*). This is a critical piece of The Alliance's efforts to create a stable, predictable regulatory environment for all sectors of our industry as well as for every Oklahoma resident regardless of whether they are tribal members or non-Indians.

Please join me in expressing thanks to Governor Stitt, Secretary of Energy & Environment Ken Wagner, Attorney General Mike Hunter's team, U.S. Senator James Inhofe (and his 2005 DC team including all-stars Ryan Jackson and Blu Hulsey) for executing this legislation.

**Governor's letter to EPA**

**2005 SAFETEA-LU legislation**

**News Release: Petroleum Alliance Praises Stitt**



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Message

---

**From:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Sent:** 7/16/2020 3:32:40 PM  
**To:** Siegal, Tod [Siegal.Tod@epa.gov]; Wilson, Erika [Wilson.Erika@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** RE: McGirt comms materials

I will be working tomorrow. Anytime is fine. My calendar is up to date.

---

**From:** Siegal, Tod <Siegal.Tod@epa.gov>  
**Sent:** Thursday, July 16, 2020 9:41 AM  
**To:** Wilson, Erika <Wilson.Erika@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>  
**Cc:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: McGirt comms materials

I'm not working tomorrow but could do a call. Later in the day would be better for me. Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

---

**From:** Wilson, Erika <Wilson.Erika@epa.gov>  
**Sent:** Thursday, July 16, 2020 9:38 AM  
**To:** Siegal, Tod <Siegal.Tod@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>  
**Cc:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: McGirt comms materials

I'm out all next week. Are you around Friday/tomorrow?

---

**From:** Siegal, Tod <Siegal.Tod@epa.gov>  
**Sent:** Wednesday, July 15, 2020 9:08 PM  
**To:** Wilson, Erika <Wilson.Erika@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>  
**Cc:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: McGirt comms materials

Okay. Perhaps we can get this group on the line next week to discuss, if that works for you. Thanks.

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

---

**From:** Wilson, Erika <Wilson.Erika@epa.gov>  
**Sent:** Wednesday, July 15, 2020 2:37 PM  
**To:** Siegal, Tod <Siegal.Tod@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>  
**Cc:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: McGirt comms materials

August 17-20 but we need to pre-record Peter's remarks by August 7.

---

**From:** Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Sent:** Wednesday, July 15, 2020 1:40 PM  
**To:** Wilson, Erika <[Wilson.Erika@epa.gov](mailto:Wilson.Erika@epa.gov)>; Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Cc:** Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>  
**Subject:** RE: McGirt comms materials

# Ex. 5 AC/DP

Tod Siegal  
U.S. EPA, Office of General Counsel  
Cross-Cutting Issues Law Office  
202-564-5552

---

**From:** Wilson, Erika <[Wilson.Erika@epa.gov](mailto:Wilson.Erika@epa.gov)>  
**Sent:** Wednesday, July 15, 2020 11:46 AM  
**To:** Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>; Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Subject:** McGirt comms materials

Hi Tod and Randy,

# Ex. 5 AC/DP

Erika Wilson  
Tribal Program Coordinator  
Office of Land and Emergency Management (OLEM)  
U.S. EPA  
202.343.9113  
[wilson.erika@epa.gov](mailto:wilson.erika@epa.gov)

Message

---

**From:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Sent:** 7/14/2020 3:32:51 PM  
**To:** Vaught, Daniel [vaught.daniel@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]  
**CC:** Byrne, Andrew [Byrne.Andrew@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** RE: McGirt discussion - Thursday

That works.

---

**From:** Vaught, Daniel <vaught.daniel@epa.gov>  
**Sent:** Tuesday, July 14, 2020 10:29 AM  
**To:** Alvarado, Tina <Alvarado.Tina@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>  
**Cc:** Byrne, Andrew <Byrne.Andrew@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>  
**Subject:** RE: McGirt discussion - Thursday

Thanks all..

Here's how I put it on the agenda. Does this work?

- 1) McGirt Decision – Oklahoma reservations (Tina Alvarado, Region 6, Tod Siegal, OGC) 20 mins
  - a) Legal holding
  - b) Implications for EPA (group discussion)

**Daniel Vaught**, Program Analyst  
American Indian Environmental Office  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
Phone: 202-564-6038

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Mailcode 2690R  
Washington, DC 20460

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---

**From:** Byrne, Andrew <Byrne.Andrew@epa.gov>  
**Sent:** Tuesday, July 14, 2020 11:06 AM  
**To:** Alvarado, Tina <Alvarado.Tina@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>  
**Cc:** Vaught, Daniel <vaught.daniel@epa.gov>  
**Subject:** RE: McGirt discussion - Thursday

Works great for us, thanks Tina.

**Andy Byrne**  
American Indian Environmental Office  
Office of International and Tribal Affairs

U.S. Environmental Protection Agency  
(202) 564-3836 (desk)  
(202) 322-8607 (mobile)

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---

**From:** Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>  
**Sent:** Tuesday, July 14, 2020 10:58 AM  
**To:** Byrne, Andrew <[Byrne.Andrew@epa.gov](mailto:Byrne.Andrew@epa.gov)>; Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Cc:** Vaught, Daniel <[vaught.daniel@epa.gov](mailto:vaught.daniel@epa.gov)>  
**Subject:** RE: McGirt discussion - Thursday

Hi there. **Ex. 5 Deliberative Process (DP)**  
12:30 ET. I don't recall if were placed on the agenda, but would it be possible for us to talk about this first thing?

---

**From:** Byrne, Andrew <[Byrne.Andrew@epa.gov](mailto:Byrne.Andrew@epa.gov)>  
**Sent:** Monday, July 13, 2020 11:18 AM  
**To:** Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>; Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>; Siegal, Tod <[Siegal.Tod@epa.gov](mailto:Siegal.Tod@epa.gov)>  
**Cc:** Vaught, Daniel <[vaught.daniel@epa.gov](mailto:vaught.daniel@epa.gov)>  
**Subject:** McGirt discussion - Thursday

Tina, Randy, and Tod –

## Ex. 5 Deliberative Process (DP)

I wanted to provide that heads up in advance of the call, me know if you have any questions.

**Andy Byrne**  
American Indian Environmental Office  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
(202) 564-3836 (desk)  
(202) 322-8607 (mobile)

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Message

---

**From:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Sent:** 7/30/2020 5:56:41 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** FW: 7th Circuit decision upholding boundaries of the Oneida-Wisconsin Reservation  
**Attachments:** Oneida 7th Cir. decision 7-30-20.pdf

FYI - **Ex. 5 Attorney Client (AC)**

---

**From:** Wester, Barbara <wester.barbara@epa.gov>  
**Sent:** Thursday, July 30, 2020 12:27 PM  
**To:** NILWG <NILWG@epa.gov>  
**Subject:** 7th Circuit decision upholding boundaries of the Oneida-Wisconsin Reservation

All - **Ex. 5 Attorney Client (AC)** A 7<sup>th</sup> Circuit panel reversed a Wisconsin District Court decision that had determined that the Oneida-Wisconsin Tribe's reservation had been diminished. In an opinion closely hewing to *McGirt*, the 7<sup>th</sup> Circuit found that there had been no congressional action to diminish or disestablish the Oneida reservation. The Court also affirmed the general rule that state or local regulation of tribes on reservations is preempted by federal law and that there were no "exceptional circumstances" (citing, *inter alia*, *New Mexico v. Mescalero Apache Tribe*, 462 U.S. 324 (1983)) here that would warrant the application of the Defendant/Appellee-Village's regulations to the Tribe's activities.

# **Ex. 5 Attorney Client (AC)**

Barbara L. Wester  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 W. Jackson Blvd.  
Chicago, IL 60604  
312.353.8514  
[wester.barbara@epa.gov](mailto:wester.barbara@epa.gov)

Message

---

**From:** Ngo, Kim [Ngo.Kim@epa.gov]  
**Sent:** 7/27/2020 7:59:05 PM  
**To:** Tidmore, Guy [tidmore.guy@epa.gov]; Jones, Curry [jones.curry@epa.gov]; Biggs, Tonia [Biggs.Tonia@epa.gov]; Sherwood, Chelsey [Sherwood.Chelsey@epa.gov]; Gee, Randy [Gee.Randy@epa.gov]; Peters, Carol [Peters.Carol@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Hamilton, Denise [Hamilton.Denise@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Aguinaga, David [Aguinaga.David@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]  
**CC:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Subject:** RE: Tulsa Supreme Court Discussion (McGirt v. Oklahoma)

9 am won't work for me. 11 am worked.

I'd like to be on the call as the case affects multiple program and divisions, I also don't want to hold up everyone either

---

**From:** Tidmore, Guy <tidmore.guy@epa.gov>  
**Sent:** Monday, July 27, 2020 2:56 PM  
**To:** Jones, Curry <jones.curry@epa.gov>; Biggs, Tonia <Biggs.Tonia@epa.gov>; Sherwood, Chelsey <Sherwood.Chelsey@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Hamilton, Denise <Hamilton.Denise@epa.gov>; Ngo, Kim <Ngo.Kim@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>; Aguinaga, David <Aguinaga.David@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>  
**Cc:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: Tulsa Supreme Court Discussion (McGirt v. Oklahoma)

Works for me.

---

**From:** Jones, Curry <jones.curry@epa.gov>  
**Sent:** Monday, July 27, 2020 2:11 PM  
**To:** Biggs, Tonia <Biggs.Tonia@epa.gov>; Sherwood, Chelsey <Sherwood.Chelsey@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>; Peters, Carol <Peters.Carol@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Hamilton, Denise <Hamilton.Denise@epa.gov>; Ngo, Kim <Ngo.Kim@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>; Aguinaga, David <Aguinaga.David@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>  
**Cc:** Alvarado, Tina <Alvarado.Tina@epa.gov>  
**Subject:** RE: Tulsa Supreme Court Discussion (McGirt v. Oklahoma)

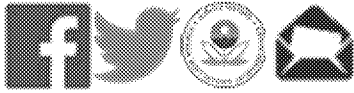
Hi Folks,

We need to move the meeting earlier. Would 9:00am work?

---

Curry Jones, MPH  
Chief, Water Resources Section (EN-WR)  
US Environmental Protection Agency - Region 6  
Phone: (214)665-6793  
Fax: (214)665-2191  
Email: [jones.curry@epa.gov](mailto:jones.curry@epa.gov)

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-----Original Appointment-----

**From:** Jones, Curry

**Sent:** Thursday, July 16, 2020 2:41 PM

**To:** Jones, Curry; Alvarado, Tina; Biggs, Tonia; Sherwood, Chelsey; Gee, Randy; Peters, Carol; Tidmore, Guy; Saunders, Jerry; Hamilton, Denise; Ngo, Kim

**Cc:** Rudolph, Matthew; Aguinaga, David; Eckhart, Jeanne

**Subject:** Tulsa Supreme Court Discussion (McGirt v. Oklahoma)

**When:** Wednesday, July 29, 2020 1:00 PM-2:00 PM (UTC-06:00) Central Time (US & Canada).

**Where:** Microsoft Teams Meeting

---

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**From:** Smith, Nelly [Smith.Nelly@epa.gov]  
**Sent:** 7/14/2020 1:22:43 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]; Schrodt, Barbara [Schrodt.Barbara@epa.gov]; Reynolds, Samuel [Reynolds.Samuel@epa.gov]  
**CC:** Alvarado, Tina [Alvarado.Tina@epa.gov]  
**Subject:** RE: McGirt Opinion - link

Nelly

Good morning,

Randy

Randy,

## Ex. 5 Deliberative Process (DP)

ED 005022 00000642-00001

Thanks again,

Karen Gude  
Tribal Program Coordinator  
U.S. EPA/Office of Water  
Phone: (202) 564-0831

---

**From:** Childers, Pat <[Childers.Pat@epa.gov](mailto:Childers.Pat@epa.gov)>  
**Sent:** Friday, July 10, 2020 9:06 AM  
**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>; Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Cc:** Byrne, Andrew <[Byrne.Andrew@epa.gov](mailto:Byrne.Andrew@epa.gov)>; Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>  
**Subject:** RE: McGirt Opinion - link

Great question,

Hey Randy

## Ex. 5 Deliberative Process (DP)

Hope this helps.

Pat

---

**From:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Sent:** Thursday, July 09, 2020 1:47 PM  
**To:** Childers, Pat <[Childers.Pat@epa.gov](mailto:Childers.Pat@epa.gov)>; Gude, Karen <[Gude.Karen@epa.gov](mailto:Gude.Karen@epa.gov)>  
**Cc:** Byrne, Andrew <[Byrne.Andrew@epa.gov](mailto:Byrne.Andrew@epa.gov)>; Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>  
**Subject:** FW: McGirt Opinion - link

Hello Pat and Karen,

I am sure you will receive questions on the Supreme Court ruling on the Creek Nation reservation and possible effects on Cherokee, Chickasaw, Choctaw and Seminole.

## Ex. 5 Deliberative Process (DP)

Thanks

Randy

---

**From:** Alvarado, Tina <[Alvarado.Tina@epa.gov](mailto:Alvarado.Tina@epa.gov)>  
**Sent:** Thursday, July 09, 2020 9:12 AM  
**To:** Gee, Randy <[Gee.Randy@epa.gov](mailto:Gee.Randy@epa.gov)>  
**Subject:** McGirt Opinion - link

[https://www.supremecourt.gov/opinions/19pdf/18-9526\\_9okb.pdf](https://www.supremecourt.gov/opinions/19pdf/18-9526_9okb.pdf)

Tina Alvarado  
Assistant Regional Counsel  
Tribal and Cross-Cutting Law  
U.S. Environmental Protection Agency  
Office of Regional Counsel, 6RC-D  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733  
(214) 665-2709

Message

---

**From:** Cynthia Naha [cnaha@kewa-nsn.us]  
**Sent:** 7/21/2020 2:47:22 PM  
**To:** Gee, Randy [Gee.Randy@epa.gov]  
**Subject:** RE: Tribal Caucus Meeting  
**Attachments:** ATT00001.txt

Should be good.

*Respectfully,*  
Cynthia Naha, Director  
Santo Domingo Tribe  
Office: (505)465-0055  
Fax: (505)465-0056  
Cell: (505)382-1616



Who will find peace with the lands? The future of humankind lies waiting for those who will come to understand their lives and take up their responsibilities to all living things. Who will listen to the trees, the animals and birds, the voices of the places of the land? As the long-forgotten peoples of the respective continents rise and begin to reclaim their ancient heritage, they will discover the meaning of the lands of their ancestors. That is when the invaders of the North American continent will finally discover that for this land, God is red.  
VINE DELORIA, JR., GOD IS RED 296 (2003).

---

**From:** Gee, Randy <Gee.Randy@epa.gov>  
**Sent:** Tuesday, July 21, 2020 8:44 AM  
**To:** Cynthia Naha <cnaha@kewa-nsn.us>  
**Subject:** RE: Tribal Caucus Meeting

[External Sender]

Let me know if you need more.

Randy

---

**From:** Gee, Randy  
**Sent:** Tuesday, July 21, 2020 9:43 AM  
**To:** Cynthia Naha <cnaha@kewa-nsn.us>  
**Subject:** RE: Tribal Caucus Meeting

Discussion on McGirt v. Oklahoma Supreme Court Decision

---

**From:** Cynthia Naha <cnaha@kewa-nsn.us>  
**Sent:** Tuesday, July 21, 2020 9:40 AM

**To:** Gee, Randy <Gee.Randy@epa.gov>

**Subject:** RE: Tribal Caucus Meeting

Good morning Randy,

Could you please provide the information for the Full Caucus agenda so I can switch it out with my presentation. Thank you.

*Respectfully,*

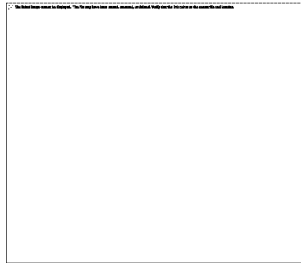
Cynthia Naha, Director

Santo Domingo Tribe

Office: (505)465-0055

Fax: (505)465-0056

Cell: (505)382-1616



Who will find peace with the lands? The future of humankind lies waiting for those who will come to understand their lives and take up their responsibilities to all living things. Who will listen to the trees, the animals and birds, the voices of the places of the land? As the long-forgotten peoples of the respective continents rise and begin to reclaim their ancient heritage, they will discover the meaning of the lands of their ancestors. That is when the invaders of the North American continent will finally discover that for this land, God is red.

VINE DELORIA, JR., GOD IS RED 296 (2003).

---

**From:** Gee, Randy <Gee.Randy@epa.gov>

**Sent:** Monday, July 20, 2020 3:03 PM

**To:** [misaacs@astribe.com](mailto:misaacs@astribe.com); [sara-hill@cherokee.org](mailto:sara-hill@cherokee.org); [April-Hathcoat\\_cherokee.org](mailto:April-Hathcoat_cherokee.org) <[April-Hathcoat@cherokee.org](mailto:April-Hathcoat@cherokee.org)>; [aheim@omtribe.org](mailto:aheim@omtribe.org); [swolfe@sctribe.com](mailto:swolfe@sctribe.com); [Allen, Mark](mailto:Allen.Mark@epa.gov) <[Allen.Mark@epa.gov](mailto:Allen.Mark@epa.gov)>; [Olson, Alexandra](mailto:Olson,Alexandra) <[olson.alexandra@epa.gov](mailto:olson.alexandra@epa.gov)>; [Cynthia Naha](mailto:Cynthia.Naha@kewa-nsn.us) <[cnaha@kewa-nsn.us](mailto:cnaha@kewa-nsn.us)>; [abarnes@delawaretribe.org](mailto:abarnes@delawaretribe.org); [administrativeassistantppe\\_picurispueblo.org](mailto:administrativeassistantppe_picurispueblo.org) <[administrativeassistantppe@picurispueblo.org](mailto:administrativeassistantppe@picurispueblo.org)>; [aduran@pojoaque.org](mailto:aduran@pojoaque.org); [afurr@enipc.org](mailto:afurr@enipc.org); [alan.hatch@santaana-nsn.gov](mailto:alan.hatch@santaana-nsn.gov); [alankford@miamination.com](mailto:alankford@miamination.com); [amurry@peoriatribe.com](mailto:amurry@peoriatribe.com); [andres.monreal@ktttribe.org](mailto:andres.monreal@ktttribe.org); [Andrew Sweetman](mailto:Andrew.Sweetman@santaana-nsn.gov) <[Andrew.sweetman@santaana-nsn.gov](mailto:Andrew.sweetman@santaana-nsn.gov)>; [Antonio.garza@ktttribe.org](mailto:Antonio.garza@ktttribe.org); [aondasan@sfpueblo.com](mailto:aondasan@sfpueblo.com); [Ex. 6 Personal Privacy (PP)] [sylestine@actribe.org](mailto:sylestine@actribe.org); [Ex. 6 Personal Privacy (PP)] [battise.jenna@actribe.org](mailto:battise.jenna@actribe.org); [bgarcia@sfpueblo.com](mailto:bgarcia@sfpueblo.com); [blacrone@osagenation-nsn.gov](mailto:blacrone@osagenation-nsn.gov); [BLEdoux@CoushattaTribeLA.org](mailto:BLEdoux@CoushattaTribeLA.org); [blujan@taospueblo.com](mailto:blujan@taospueblo.com); [bogan.jenna@actribe.org](mailto:bogan.jenna@actribe.org); [brians@comanchenation.com](mailto:brians@comanchenation.com); 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**Subject:** RE: Tribal Caucus Meeting

[External Sender]

Good afternoon,

There is a change on the Tribal Caucus agenda tomorrow. Tina Alvarado from our Regional Counsel will provide an overview of the McGirt case and the SAFETEA law (see attachments) after the tribal partnership reports in the afternoon.

Please note- the meeting tomorrow will begin at 10 CDT/ 9 MDT. We will open the MS Team line thirty minutes before the start of the meeting. Also, if you join by computer but you don't have a microphone, you may also call into the meeting to speak. To unmute when on the phone press \*6.

Thank you,

Randy Gee

EPA Region 6 Office of Communities, Tribes and Environmental Assessment  
Office Phone: 214-665-8355

-----Original Appointment-----

**From:** Gee, Randy

**Sent:** Thursday, July 02, 2020 10:12 AM

**To:** Gee, Randy; Micah Isaacs; Sara Hill; April Hathcoat; Heim, Angela; [swolfe@sctribe.com](mailto:swolfe@sctribe.com); Allen, Mark; Olson, Alexandra; [cnaha@kewa-nsn.us](mailto:cnaha@kewa-nsn.us); [abarnes@delawaretribe.org](mailto:abarnes@delawaretribe.org); [administrativeassistantppe\\_picurispueblo.org](mailto:administrativeassistantppe_picurispueblo.org); [aduran@pojoaque.org](mailto:aduran@pojoaque.org); [afurr@enipc.org](mailto:afurr@enipc.org); [alan.hatch@santaana-nsn.gov](mailto:alan.hatch@santaana-nsn.gov); [alankford@miamination.com](mailto:alankford@miamination.com); [amurry@peoriatribe.com](mailto:amurry@peoriatribe.com); [andres.monreal@ktttribe.org](mailto:andres.monreal@ktttribe.org); Andrew Sweetman; [Antonio.garza@ktttribe.org](mailto:Antonio.garza@ktttribe.org); [aondasan@sfpueblo.com](mailto:aondasan@sfpueblo.com); [Ex. 6 Personal Privacy (PP)]; [asylestine@actribe.org](mailto:asylestine@actribe.org); [Ex. 6 Personal Privacy (PP)]; [battise.jenna@actribe.org](mailto:battise.jenna@actribe.org); 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Sandoval; Alvarado, Tina

**Cc:** Craig Kreman; Judith L. Puente; Polly Edwards; Cameron Tenorio; Victoria Atencio; Kimberly M. Merryman; Lakesha Hawkins; Mills, Theresa

**Subject:** Tribal Caucus Meeting

**When:** Tuesday, July 21, 2020 9:30 AM-4:00 PM (UTC-06:00) Central Time (US & Canada).

**Where:** Microsoft Teams Meeting

Adding SAFETEA law and McGirt decision for tomorrow's discussion